1568/1899

THE TRYALS OF

Sir GEORGE WAKEMAN *Baronet.*
WILLIAM MARSHALL,
WILLIAM RUMLEY, & } *Benedictine Monks.*
JAMES CORKER,

FOR

HIGH TREASON,

For Conspiring the DEATH of the

KING,

Subversion of the *Government*, and

Protestant Religion.

At the Sessions in the *Old Bayley*, holden for *London* and *Middlesex* on *Fryday* the 18th. of *July* 1679.

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1568/1299.

THE TRYALS &c.

Upon Fryday *the* 18th. *of* July, 1679. *at the Sessions-House in the* Old-Bayley, London, *the Court being met, and Proclamation made for Attendance the Trials proceeded thus.*

Cl. of Cr. Sir *George Wakeman*, *William Marshall*, and *William Rumley* to the Bar. Sir *George Wakeman* hold up thy hand, which he did. (And so of the other two.

You stand indicted by the names of Sir *George Wakeman* late of the Parish of St. *Giles* in the Fields, in the County of *Middl.* Bart *William Marshall* of the same Parish and County Gent: and *William Rumley* of the same Parish and County Gent.

For that you as false Traitors against the most Illustrious, Serene & most Excellent Prince Charles *the Second, by the Grace of God of* England, Scotland, France, & Ireland, *King, Defender of the Faith*, &c: *your Supream and Natural Lord, the fear of God in your hearts not having, nor weighing the duty of your Allegiance, but being moved & seduced by the instigation of the Devil & the cordial love, true, due & natural Obedience, which true and faithful Subjects of our said Sovereign Lord the King, do & of right ought to bear, towards him, our said Sovereign Lord the King utterly withdrawing and endeavouring and intending with all your strength the Peace and common Tranquility of this Kingdom of* England *to disturb, and the true Worship of God within this Kingdom of* England *used, and by the Laws of the same established, to overthrow, and the Government of this Realm to subvert, & Sedition and Rebellion within this Kingdom of* England *to move stir up and procure, and the cordial love, true, due and natural obedience, which true and faithful Subjects of our said Sovereign Lord the King, ought and of right are bound to bear towards him our said Sovereign Lord the King wholly to withdraw, put out & extinguish, & Him our said Sovereign Lord the King to death & final destruction to bring & put, you the said* Sir George Wakeman, William Marshall & William Rumley *the* 30th *day of* August, *in the* 30th. *year of the Reign of our said Sovereign Lord* King Charles *the Second, at the Parish of* St: Giles *in the Fields of resaid, in the County aforesaid falsly, maliciously, subtilly, advisedly and traiterously, did purpose, compass, imagine, & intend Sedition and Rebellion within this Kingdom of* England, *to move, stir up and procure; and miserable slaughter among the Subjects of our said Sovereign Lord the King to cause and procure, and our said Sovereign Lord the King, from his Royal State, Title, Power, and Government of his said Kingdom of* England, *wholly to deprive, depose, cast down and disinherit, and Him our said Sovereign Lord the King to death and final destruction to bring and put, and the Government of this Kingdom of* England *and the sincere Religion of God within the same rightly and by the Laws of the same established, at your will and pleasure to change and alter, and the State of this whole Kingdom of* England, *through all its parts well instituted and ordained wholly to subvert and destroy, and War against our said Sovereign Lord the King within this Kingdom of* England *to levy; to accomplish and fulfill those your most wick-*

wicked Treasons, and traiterous imaginations, & purposes, You the said Sir George Wakeman, Will. Marshall and Will. Rumley, and other false Traitors unknown, the aforesaid 30th. day of August with Force and Arms at the Parish aforesaid, in the County aforesaid, maliciously, subtilly advisedly, and traiterously, did assemble, unite, and gather your selves together; & then and there falsly maliciously, subtilly, advisedly, devillishly and Traiterously did consult, consent and agree, our said Soveraign Lord the King to death and final destruction to bring and put, and the Religion within this Kingdom of England rightly and by the Laws of the same established, to change and alter to the Superstition of the Church of Rome; and to move, procure and perswade them the said William Marshall William Rumley and other false Traitors unknown, to the agreement aforesaid to fulfill and accomplish; You the said Sir George Wakeman after, to wit, the said 30th day of Aug. in the Parish aforesaid in the County aforesaid, to them the said William Marshal, William Rumley and other false Traitors unknown did traiterously promise to give your assistance the Government of this Kingdom to subvert, and the true Worship of God in this Realm rightly and by the laws thereof established and used to the Superstition of the Church of Rome to alter: And that you the said Sir George Wakeman then & there falsly, malitiously, subtilly, advisedly, devillishly and traiterously did undertake to kill & murder our said Soveraign Lord the King: and in further prosecution of the Treasons traiterous Conspiracies, intentions and Agreements aforesaid, You the said Sir George Wakeman the said 30th day of August at the Parish aforesaid, in the County aforesaid, falsly traiterously and against the Duty of your Allegiance, did receive and had (from a certain person unknown, pretending to be Provincial of the Jesuits in England, and claiming Authority for the Granting Commissions in that part from the See of Rome,) one Commission to institute and authorise you the said Sir George Wakeman to be Physitian General of the Army, to be raised for the waging War against our said Sovereign Lord the King within this Kingdom of England, and the same Commission then and there falsly, advisedly, maliciously and traiterously did inspect and read over, and traiterously did keep in your possession, and to the same falsly, knowingly, advisedly and traiterously did consent and agree, with that intention, that you the said Sir George Wakeman should have, receive & exercise the Place and Office of Physician General of the Army aforesaid, when you the said Sir George Wakeman, William Marshall, William Rumley and the said other false Traitors unknown, should have performed and accomplished your Treasons, compassings, imaginations, purposes and traiterous Agreements aforesaid. And that you the said William Marshall and William Rumley in further prosecution of your Treasons, traiterous Conspiracies, intentions and Agreements aforesaid, the said 30th day of August in the Parish aforesaid, in the County aforesaid, did falsly, subtilly and traiterously consult, conclude, consent and agree that you the said William Marshall, William Rumley and other false Traitors unknown should pay the sum of 6000l. towards furthering & consummating the Traiterous Agreements aforesaid, amongst the said false Traitors had, our said Soveraign Lord the King to kill and murther, the true Worship of God within this Realm rightly and by the Laws of the same established, to the Superstition of the Church of Rome to alter, and the Government of this Kingdom of England to subvert, against the duty of your Allegiance, against the Peace of our said Soveraign Lord the King, his Crown and Dignity, and against the form of the Statute in this case made and provided.

Cl. of Cr. How sayest thou Sir George Wakeman, art thou guilty of this High-Treason whereof thou standest Indicted, or not guilty?

Sir George Wakeman, Not Guilty. Cl. of Cr. Culprit, how wilt thou be tried?

Sir George Wakeman, By God and my Country.

Cl.

Cl. of *Cr.* God ſend thee a good deliverance. (And ſo the other Two .)

Cl. of *Cr.* Set *James Corker* to the Bar. (who was arraigned and pleaded the laſt Seſſions.) *James Corker*, hold up thy hand. You the Priſoners at the Bar, *Sir George Wakeman*, *William Rumley*, *William Marſhall* and *James Corker*, Thoſe men that you ſhall hear called and perſonally appear, are to paſs between our Soveraign Lord the King & you upon trial of your ſeveral Lives and Deaths; If therefore you or any of you will challenge them, or any of them, your time is to ſpeak unto them as they come to the Book to be ſworn, and before they be ſworn. Call *Ralph Hawtrey* Eſq; who appeared, and there being no challenges, the 12 that were Sworn are as follows.

JURY.

Ralph Hawtrey of *Riſlipp* Eſq:	*William Heydon* of *Greenford* Eſqr.
Henry Hawley of *New Brantford* Eſq:	*John Baldwyn* of *Hillingdon* Eſq:
Henry Hodges of *Hanwell* Eſq:	*Richard Dobbins* of *Harvile* Eſq:
Richard Downton of *Iſlworth* Eſq:	*William Avery* of *Enfield* Eſq:
John Bathurſt of *Edmunton* Eſq;	*Richard White* of *Cripplegate* Gent:
Robert Hampton of *Greenford* Eſq:	*William Wayte* of St, *Clement Danes* Gent:

Cl. of Cr. Cryer count theſe. *Ralph Hawtrey.* *Cryer, One, &c.*

Cl. of *Cr.* *Richard White.*

Cryer, Twelve good men and True, ſtand together and hear your Evidence.

Then the uſual Proclamation for information was made, and the Priſoners being bid to hold up their hands, the Clerk of the Crown charged the Jury with them thus.

Cl. of *Cr.* You of the Jury, look upon the Priſoners, and hearken to their Cauſe. They ſtand indicted by the names of (*prout in the Indictment mutatis mutandis*) and againſt the form of the Statute in that caſe made and provided; And he the ſaid *James Corker*, ſtands indicted by the name of *James Corker* of the Pariſh of St *Giles in the Fields*, in the County of *Middleſex* Clerk:

For that, he with Thomas White, John Fenwick, William Harcourt, John Gaven, *and* Anthony Turner, *as a falſe Traitor againſt the moſt Illuſtrious, moſt Serene, and moſt Excellent Prince*, Charles *the Second, by the Grace of God, of* England, Scotland, France *and* Ireland, *King, Defender of the Faith, &c. his Supream and Natural Lord; not having the fear of God in his heart, nor weighing the Duty of his Allegiance, but being moved and ſeduced by the inſtigation of the Devil, the cordial love, true, due, and natural Obedience, which true and faithfull Subjects of our ſaid Soveraign Lord the King, towards him ſhould, and of right ought to bear, wholly withdrawing, and deviſing, and withall his Strength, intending the Peace and comm n Tranquility of this Realm to diſturb, and the true Worſhip of God within this Kingdom of* England *uſed, and by the law Eſtabliſhed, to overthrow, and the Government of this Realm to ſubvert and ſedition and Rebellion within this Kingdom of* England *to move ſtir up and procure, and the cordial love, and true, and due Obedience which true and faithful ſubjects of our ſaid Soveraign Lord the King, towards him ſhould, and of right ought to bear, utterly to withdraw, put out, and extinguiſh, and our ſaid Soveraign Lord the King to death and final Deſtruction to bring, and put, on the 24th day of April, in the thirtieth year of the Reign of our ſaid Soveraign Lord King* Charles *the Second, at the Pariſh of St* Giles *in the Fields, in the County of* Middleſex *aforeſaid; He the ſaid* James Corker, *together with the ſaid* Thomas White, John Fenwick, William Harcourt, John Gaven, *and* Anthony Turner, *with divers other falſe Traitors Subjects of our ſaid Soveraign Lord the King, to the Jurors unknown, falſly, ſubtilly, adviſedly, maliciouſly, and traiterouſly, did pur-*

purpoſe, compaſs, imagine, and intend Sedition and Rebellion within this Kingdom of England to move, ſtir up, and procure, and a miſerable ſlaughter among the Subjects of our ſaid Soveraign Lord the King, to procure, and cauſe, and our ſaid Soveraign Lord the King of his Kingly State, Title, Power and Government of his ſaid Kingdom of England, utterly to deprive, depoſe, caſt down, and diſinherit, and him our ſaid Soveraign Lord the King, to death and final deſtruction, to bring, and put, and the Government of this Kingdom of England, and the ſincere Religion of God within the ſame, rightly, and by the Laws of the ſame eſtabliſhed, at his will and pleaſure, to change and alter, and the ſtate of this whole Kingdom of England, through all its parts well inſtituted and ordained, wholly to ſubvert and deſtroy, and War within this Kingdom of England, againſt our ſaid Soveraign Lord the King to levy: And to accompliſh, and fulfil their ſaid moſt wicked Treaſons and traiterous imaginations and purpoſes; He the ſaid James Corker, together with the ſaid Thomas White, John Fenwick, William Harcourt, John Gavan and Anthony Turner, and other falſe traitors againſt our ſaid Soveraign Lord the King, to the Jurors unknown, the ſaid 24th day of April, with Force and Armes &c. in the Pariſh aforeſaid, and County aforeſaid, falſly, maliciouſly, ſubtilly, adviſedly, deviliſhly, and traiterouſly did aſſemble, unite and gather together, and then and there falſly, maliciouſly, ſubtilly, adviſedly, deviliſhly and traiterouſly did conſult, conſent and agree, our ſaid Soveraign Lord the King, to death and final deſtruction to bring and put, and the Religion of this Kingdom of England, rightly, and by the Laws of the ſame eſtabliſhed, to the Superſtition of the Romiſh Church to change and alter, and the Government of this Kingdom of England to ſubvert; and that one Thomas Pickering, and one John Grove, ſhould kill and murder our ſaid Soveraign Lord the King, and that he the ſaid James Corker, together with the ſaid Thomas White, John Fenwick, William Harcourt, John Gavan and Anthony Turner, and other falſe traitors, againſt our ſaid Soveraign Lord the King, to the Jurors unknown, ſhould therefore ſay, celebrate, and perform, a certain number of Maſſes then and there amongſt themſelves agreed on, for the ſoul of the ſaid Thomas Pickering, and for that cauſe, ſhould pay to the ſaid John Grove, a certain ſum of money, then and there amongſt themſelves agreed on; and that he the ſaid James Corker, together with the ſaid Thomas White, John Fenwick, William Harcourt, John Gavan and Anthony Turner, and other falſe traitors to the Jurors unknown, in further proſecution of the Treaſons and traiterous Conſultations and Agreements aforeſaid; afterwards the ſaid Four and twentieth day of April, at the Pariſh aforeſaid, in the County aforeſaid, falſly, ſubtilly, adviſedly, maliciouſly, deviliſhly, and traiterouſly, did ſeverally each to the other engage themſelves, and upon the Sacrament traiterouſly did ſwear and promiſe, to conceal, and not to divulge the ſaid moſt wicked Treaſons, and traiterous Compaſſings, Conſultations and Purpoſes aforeſaid amongſt themſelves had, traiterouſly to kill and murder our ſaid Soveraign Lord the King, and to introduce the Romiſh Religion within this Kingdom of England, and the true reformed Religion within this Realm, rightly and by the Laws of the ſame eſtabliſhed, to alter and change: and that he the ſaid James Corker, together with the ſaid Thomas White, John Fenwick, William Harcourt, John Gavan and Anthony Turner, and other falſe Traitors to the Jurors unknown, in further proſecution of their ſaid Treaſons and traiterous intentions, and agreements aforeſaid, afterwards the ſaid Four and twentieth day of April, at the Pariſh aforeſaid, in the County aforeſaid, falſly, ſubtilly, adviſedly, maliciouſly, deviliſhly, and traiterouſly, did prepare, perſwade, excite, abet, comfort and counſel four other perſons to the Jurors unknown, ſubjects of our ſaid Soveraign Lord the King, traiterouſly our ſaid Soveraign Lord the King to kill and murder, againſt the Duty of his Allegiance,

legiance, against the Peace of our Soveraign the King, his Crown and Dignity, and against the form of the Statute in that Case made and provided.

Upon these several Indictments they have been arraigned, and thereunto have severally pleaded, Not Guilty, and for their Trial put themselves on God and their Countrey, which Countrey are you. Your Charge is to enquire, whether they be Guilty of the High Treason whereof they be indicted, in manner and form as they stand indicted, or not Guilty, *&c.*

Then Edward Ward *Esqr of Counsel for the King in this Cause, opened the Indictment thus.*

Mr. *Ward.* May it please your Lordship, and you Gentlemen of the Jury, Sir *George Wakeman* Bar. *William Marshal*, and *William Rumley*, the Prisoners at the Bar stand indicted; for that they as false Traitors against our Soveraign Lord the King *Charles* the Second, their Supream and Natural Lord, not having the fear of God before their eyes; did traiterously endeavour and intend with all their strength the Peace and Tranquility of this Kingdom of *England* to disturb, and the Worship of God in the same rightly, and by the Laws of the same established, and the Government of the Kingdom in all its parts well instituted and ordered, to subvert and overthrow, and Sedition and Rebellion within the same, to move and procure, and to bring and put the King to death and final destruction; and to that purpose the 30*th* of *August*, in the 30*th* year of the King that now is, they did falsly, maliciously, subtilly advisedly, and traiterously compass, imagine, intend, and devise those things that I have enumerated to you; that is Sedition and Rebellion in the Kingdom to move, the Peace and Tranquility of the same to disturb, the Worship of God to overthrow, and the King from his Royal State, Title, Power, and Government, wholly to depose, and to put the King to death and final destruction, and the Religion at their wills and pleasures to alter, and to introduce the *Romish* Superstition, and War within the Kingdom to levy against our Soveraign Lord the King. And to accomplish these Treasons and purposes, they the Prisoners at the Bar, with other false Traitors unknown, the day and year before mentioned, did assemble and meet together, and did then and there consent and agree to put the King to death and final destruction. And to perswade *Marshal* and *Rumley* to these Treasons, the said Sir *George Wakeman* promised his assistance; first, to subvert the Government, and then to alter the Religion to the *Romish* Superstition, and traiterously undertook to kill the King: and he did receive for that purpose, from the pretended Provincial of the Jesuits in *England*, (who claimed an Authority from the See of *Rome*, of granting out Commissions) a Commission which constituted him Physician General of the Army; which Army was to be raised for the levying of War against the King, and the Subversion of the Government and Religion: That he read this Commission, that he kept it in his possession, that he consented to it, accepted it, and intended to execute the Employment, when their Designs were accomplished. The Indictment further sets forth, that *Marshal*, and *Rumley*, and other false Traitors, agreed to pay the sum of £ 10000 *l.* for the carrying on and effecting of this Treason; and this is laid, to be against the duty of their Allegiance, against the Kings Peace, Crown and Dignity, and against the form of the Statute. To this Indictment, they have pleaded, Not Guilty; if we make out these Crimes against them or any of them, you are to find them Guilty.

There is also another indicted, that is *James Corker*; For that he is a false Traitor

for against the King, and withdrawing his Allegiance, and due and natural Obedience which he owed to him, as his Soveraign, together with other persons there mentioned, *White*, *Fenwick*, *Harcourt*, *Gaven* and *Turner*, did intend to overthrow the Religion, to subvert the Government, and to do all those Treasons that I have here enumerated, and that they did the 24*th*. of *April* in the 30*th*. year of this King, at the Parish of *St. Giles in the Fields* in your County, compass and imagin the Kings death, levying of War, and those other Things and in order thereunto, they did contrive that *Pickering* and *Grove* should kill the King, and that *Corker* and the others should say Masses for the Soul of *Pickering*, and should pay *Grove* a sume of money. That to this they plighted their Fai hand received the Sacrament upon it: And that *Corker* and others the day and year aforesaid, traiterously perswaded, excited and abetted Four other persons to murder the King. To this he hath pleaded not Guilty, if we prove him Guilty of any of these things, we hope you will find it so.

Then Sir Robert Sawyer *one of the Kings learned Council in the Law, opened the Charge thus.*

Sir *Robert Sawyer*. My Lord, & you Gentlemen of the Jury, the Prisoners at the Bar with whom you are charged, stand indicted as Principal Actors and Instruments of that late most Catholick and Bloody Plot sometime since discovered, and I hope by the blessing of Almighty God in a great measure prevented. The design, Gentlemen, was against the King and the Church; both Church and State were too little a Sacrifice to be offered up to the Universal supremacy of *Rome*. They well knew, Gentlemen, that so long as God should preserve the life of our Prince, and as long as those Legal pales, wherewith the Church of *England* is compassed, did but continue firm, neither the Gates of Hell nor *Rome* could prevail against it. And I wish that all Protestants were of the same mind.

I shall not enter now into any large discourse of it nor trace the several steps of this Plot, which is so well known to all men of this Nation at this day, but only touch upon those parts of it that do concern the prisoners now at the Bar, unless they shall give me occasion to recur to any former passages. Gentlemen, we shall make proof to you, that the 24th of *April* 1678, there was a very great Consult of a numerous company of Jesuits here in *London*; and there was the foundation laid or at least the execution was then determined of bringing this Plot to its accomplishment. To this Consult we shall make it appear, that the Gentlemen at the Bar were privy and consenting to it. The King must die that is resolved on, and you have heard formerly of the several ways that it was to be acted; some persons were designed to shoot him, these have received their Tryal and condign punishments; then there was another Sort, and they were to stab him, and some of these have been brought to Justice too; but then there was a third Sort, (for they did invent all the imaginable ways of death) and that was Poysonings that & will come principally before you at this time. And they had chosen out a very proper Instrument for it, a Gentleman whose Experience rendred him able, whose near Relation to and dependance upon the Royal Family, gave him a great opportunity to commit that Horrid crime. But Gentlemen, tho his perswasion might go a great way yet he would not do it *Gratis*, and therefore he must be hired for a great Sum of Money, not under 15000*l*. and then he undertook that great Employment.

We shall prove to you that this was his Bargain, that part of his Wages he had received, for he would be sure of something in hand before the work were done. We shall

shall make it appear, Gentlemen, that he was privey also to the Consult (for I apply my self at present peculiarly to him) and approved of it. And as a further Reward besides that of money, he was to be preferred to be Physitian General of the Army that was then to be raised, that Employment was designed for him, nay he accepted of the commission as we shall endeavour to prove to you:

We shall also prove, that the other Gentlemen at the Bar, the other malefactors that stand there, were privy to the great Consult of the death of the King. That there was 6000*l.* which was to be furnished by the *Benedictine Monks*, for tho the Jesuits were the great Engineers, yet all the other Orders were to contribute, and 6000*l.* was to be furnished by them. And in the course of our Evidence we shall give you several instances which will concern all these particular Prisoners now at the Bar; and one truly that there was such a design of *Poysoning*, which is very remarkable and that was from a very great Engineer that hath suffered already, and that was Mr. *Ireland*, and wherein I must desire that you would observe another thing that falls out very materially, that though Mr. *Ireland* at the time of his Death, and all along disowned that he was here in *London* in *August*, and with great Asseverations did affirm it; it will appear by the course of our Evidence that he was here in *London* then, and had frequently discourses that it was an easie matter to take off the King by Poyson: And for that purpose do I mention it to you as an instance that poyson was one of the great ways that they intended to murther the King by. And Gentlemen you will collect from that Evidence what credit is fit to be given to the words of such dying men, and whether living witnesses that are upon their Oathes, are not rather to be believed then those whose concern it is for more reasons then one to perswade the People that they are innocent. And you will likewise collect, that those who have lived in the sin of comitting such Horrid Crimes as these are, will not stick to protect that same Church (which they would propagate by those Crimes) by denying the plainest Truth.

We will not trouble you any further with the opening of the Evidence, because the witnesses are many and their Testimony various, but we shall call our witnesses and let them tell it you themselves.

Mr. *Ward.* Call Dr. *Oates*, Mr. *Bedlow*, Mr. *Dugdale* Mr. *Jenison* and Mr. *Prance*; (who were all sworn, and Mr. *Dugdale* set up.)

Sir *Robert Sawyer.* Gentlemen, we call first Mr. *Dugdale* to give you a general account of the Plot, not so much for the proof of the things here charged particularly on the prisoners, as the general design:

Mr. *Ward.* Pray Sir speak your knowledge of what you know concerning the Plot in general.

Mr. *Dugdale.* I have for this 7 Years known something of it; but nothing particularly till within these two years. About two years since it was communicated to me by Mr. *Ewers*, Mr. *Gavan*, Mr. *Peters*, Mr. *Lewson*, and some other Priests which I cannot now remember their Names and they did perswade me to be of the management of the Business, for the carrying on of the design, for the Introducing their Religion, and for the Killing of the King, and the Duke of *Monmouth*; both those two things were communicated to me upon my Oath by Mr. *Gaven*, Mr. *Ewers*, Mr. *Peters* Mr. *Lewson* and my Lord *Stafford*.

Mr. *J. Atkins*, What Mr. *Gavan* that was Executed you mean?

Mr. *Dugdale*, Yes he was the man. I have had several Pacquets of Letters which

cerned the Plot: All the Letters that came from Mr. *Harcourt* or from any others concerning the Plot, were directed to me: I have had sometimes 8, sometimes 9, sometimes more Letters at a time, but I never saw any almost but they all tended to the carrying on of this Design.

Lord Ch. Just. Did they shew you those Letters, or did you open them?

Mr. Dugdale. I did open several of them, a great many, and some of them that I could not handsomly seal up again, I kept.

Lord Ch. J. They did not know you opened them?

Mr. Dugdale No they did not all the time.

L. C. J. To what purpose did they write?

Mr. Dugdale My Lord, they were to give Instructions to *Mr. Ewers* how he should manage the affairs for carrying on the Design, how he must go about for the Raising of money, and for the ingaging the Gentlemen in the Countrey, as particularly *Mr. Gerard* of *Hilderson*, and *Mr. Howard* of *Horecross*, and Sir *James Simms* and one Gentlemen that is dead, one Captain *Asherley* and several other Gentlemen were engaged in it, to be Officers when they had accomplished their business of Killing the King.

Sir Robert Sawyer. You say they were to be Officers, what were they to be military Officers? or what.

Mr. Dugdale. Yes they were to be military Officers.

Sir Robert Sawyer. Was there any Army to be raised?

Mr. Dugdale Yes, there was an Army spoken of to be raised.

Sir Robert Sawyer, By whom?

Mr. Dugdale. There was money ready in *July* last, for I saw acquittances that came from *Sr. Omers* that the money was paid. But then there was Caution given to be sure not to make any Rumor of Arms or any thing, till the King was dispatched.

L. C. J. Did they write that in a Letter?

Mr. Dugdale, They writ that in a Letter directed to me?

L. C. J. To you? *Mr. Dugdale,* Yes, to me.

L. C. J Who writ that Letter?

Mr. Dugdale. My Lord, truly I cannot be certain at present who it was, but upon recollection I can, may be, remember who it was: but it contained that there should be Caution given to all, to be sure that none should mention Armes, or any thing till the King was dispatched.

Sir Robert Sawyer. From whence did that Letter come *Mr. Dugdale?*

Mr. Dugdale, It came from mr. *Harcourt* I am certain, and in mr. *Grove's* Pacquet, but I am not certain of the Person that writ the Letter, but I can recollect hereafter perhaps who it was.

Lord Ch. Just. Did it come from beyond-sea or *London.*

Mr. Dugdale, It came from *London*, but I suppose it came thither from beyond-sea.

Lord Ch. Just. The letter came to you, you say, was it dated from any place and what?

Mr. Dugdale, I am not certain whether it was dated from any place, there were several Letters that came from all Parts, some: from *St. Omers*, some from *Paris*, some from *Rome.*

Sir Robert Sawyer, Pray what do you know of any Correspondence that was between your principal Actors in *Staffordshire*, and those Conspirators here at *London.*

Mr. Dugdale. Yes, there was a Correspondence between them.

Lord Ch. Just. Between whom? Name them:

Mr. *Dugdale*, Betwixt mr. *Ewers*, mr. *Gaven*, and mr. *Vavasor*. these were in *Staffordshire*; and betwixt mr. *Ireland*, mr. *Harcourt*, mr. *Fenwick* and mr. *Grove*, these I know.

L. C. J. Where were these last?

Mr. *Dugdale*, In *London* these persons were, they did write constantly three times a Week letters into *Staffordshire* about this business,

L. C. J. But pray was there any thing mentioned in any of these Letters concerning Killing the King.

Mr. Dugdale Yes, there was.

L. C. J. Was there any thing plain of that in those letters?

Mr. *Dugdale* There was in one from mr. *Whitebread*.

L. C. J. What did that Letter say?

Mr. Dugdale There was one from him that did give a Caution to mr. *Ewers*, that he should be sure to choose no persons but such as were stout & hardy, or to that effect.

L. C. J. To do what? mr. *Dugdale*. To Kill the King.

L. C. J. Was that expressed in the Letter.

Mr. Dugdale, Yes my Lord it was.

L. C. J. And did they write that they should choose hardy persons to kill the King? Was that the subject of it? Mr. *Dugdale*, Yes, my Lord it was.

L. C. J. Did it come by the common post?

Mr. Dugdale Yes my Lord it did, but they had devised it so, that there was care taken they should not be discovered, they would set but two Letters of their Names to them and they were directed all to me, so that I was to bear all the danger.

Sir *Robert Sawyer*. How was the direction? Was it directed plainly to you on the out-side?

Mr. *Dugdale*, Yes it was, and if it were discovered, I was sworn by mr. *Ewers* to deny it, and then they could not be discovered.

Mr. J. Atkins Did they give you any Oath to that purpose?

Mr. *Dugdale* Yes, I was sworn 10 times at least to Secresie, and promised it on the Sacrament.

Sir *Rob. Sawyer*. Besides what came in those Letters, had you any discourse with any touching killing the King?

Mr. Dugdale, Yes. Sir *Robert Sawyer*. With whom?

Mr. *Dugdale*, With mr. *Gavan*, mr. *Ewers*, mr. *Lewson* and my Lord *Stafford*.

L. C. J. And would they have perswaded you to have done it?

Mr. *Dugdale* Yes, I was to have been employed as an Actor in it, either to have taken his life away by shooting, or by stabbing, or some way.

L. C. J. Did they propose it to you, & how, in what manner would they have you do it?

Mr. Dugdale, No my Lord, I was not told absolutely in what manner; but I was directed to come to *London*, and I should have instructions about it there.

L. C. J. Tell us again who they were that did solicit you?

Mr. *Dugdale*. mr. *Ewers*, mr. *Gavan*, mr. *Peters*, mr. *Lewson* and my Lord *Stafford*.

Mr. J. Atkins. my Lord *Stafford* you say?

Mr. *Dugdale*, Yes, I said so before, my Lord.

L. C. J. They engaged you in the business in General you say, and you were to have directions about it at *London*. that is that you say?

Mr. Dugd. Yes my Lord, *Mr. Ireland* was to take care of me there.

Sir *Rob. Sawyer*, Pray Sir had you discourse of the several ways, what ways were to be taken.

Mr. Dugd. I had no particular way mentioned, but I was told that it was easie to be done by shooting or stabbing.

L. C. J. Did you ever come to *London* upon that errand?

Mr. Dugd. No, never.

L. C. J. When they had ingaged you to do the thing, why did not they send you about it.

Mr. Dugd. I was not to come till *October*.

L. C. J. When was it that you were ingaged first?

Mr. Dugd. I had particular intimation of the matter of the Plot about two years before, but I was not to come up till *October*.

L. C. J. Which *October?* Mr. *Dugd.* Last *October*.

L. C. J. Why you were ingaged a great while before, how chanced you were not to come up till *October*.

Mr. *Dugdale*, I was engaged a year and a half before, but it was not positively then said to me, that I was to be instrumental in killing the King till that time, which was about *July*, when my Lord *Stafford* came down, and I was to come up in *October*.

L. C. J. I thought you had said that you were ingaged in it a year and half before.

Mr. *Dugdale*, That was only in the Plot in general.

L. C. J. Was there no time appointed for the killing the King then? When was it that you were first ingaged to be an instrument to take away the Kings life?

Mr. *Dugdale*, Two years ago I was spoke to about the Plot, but I was not particularly assigned till the last Summer, and then I was appointed to come to *London* in *October*.

L. C. J. What said they then to you?

Mr. *Dugdale*, My Lord *Stafford* did offer me 500 *l.* he told me I should have that for a reward at present, and if things did go on, I should have a better reward when the thing was accomplished, but this was for my present incouragement.

L. C. J. When were you to have the money? Mr. *Dugd.* When I came to *London*.

L. C. J. And why did not you come to *London* then.

Mr. *Dug.* I was to come to *London* and the Plot was broke out and discovered first.

Mr. *Ward*, Pray do you know of any letters about the Death of Sir *Edmundbury Godfrey?*

Mr. *Dugdale*, Yes there was a letter came down to my Lord *Aston*, it was directed to Mr. *Ewers* and it contained in it, this very night Sir *Edmundbury Godfrey* is dispatched; those were the words of the letter.

L. C. J. What night was that?

Mr. *Dugdale*, I have well remembred it since, and it was *Saturday* night, which was about the 12*th* of *October*, or thereabouts as I remember: it had those words, *this very night* Sir Edmundbury Godfrey *is dispatched*, and it went on with more things relating to the Plot which I cannot particularly now remember; and I catched Mr. *Ewers* at the Reading of it, and said I to him, do you think this is the way to have the Design succeed, if this do not overthrow the Plot I will be hang'd. Not so said he, be patient and do not mistrust it, he was a man that was used to punish debauch'd persons, and it will rather reflect upon them then us.

L.

L. C. J. Did that letter come to your hand?

Mr. *Dugdale*, Yes it did, but it was writ to Mr. *Ewers*.

Mr. *Just. Atk.* What day did it come to you? Mr. *Dug.* Upon *monday* morning.

Mr. *Just. Atkins*, When was it writ?

Mr. *Dugdale*, It was writ the *Saturday* night before.

L. C. J. Did Mr. *Ewers* shew it you? or did you break open the letter?

Mr. *Dugdale*, Mr. *Ewers* shewed it me for an incouragement, that one of our Enemies was taken out of the way.

Mr. *Just. Wyndham*, Did you report it to any body?

Mr. *Dugdale*, Yes to the Parson of the Town, and a Relation of my Lord *Aston's*.

L. C. J. What was his name?

Mr. *Dugd.* One Mr. *Sandwich* and Mr. *Philips*, said I, do you not hear of a Knight, a Justice of *Westminster* that is killed? no said they? we hear nothing of it, but it seems Mr. *Sandwich* went to Dinner to and there he did report it.

L. C. J. Why did they look upon Sir *Edmundbury Godfrey* as such an enemy to them?

Mr. *Dugdale*, They had intrusted him before, but he began to be strict with Dr. *Oates*, searching and prying into all the whole concern, as Mr. *Ewers* told me (for I knew no more than he informed me of) so they thought good to take him off.

Sir *Robert Sawyer*, Gentlemen, will you ask him any Questions.

Corker, I would have been glad to have heard what he said, but I could not hear the tenth part.

Sir *Robert Sawyer*, Gentlemen, there is nothing that does particularly reflect upon you at the Bar, but is only to prove the general design of the Plot.

Sir *George Wakeman*, 'Tis the worst made out that ever I think was Tryal.

Mr. *Dugdale*, If there be any more Questions that your Lordship or the Court will be pleased to ask me, I will be sure to answer them.

L. C. J. I will tell you the effect of what he says, and that is this; he speaks in general, that there was a Plot to bring in Popery, and in order to that, the best way was to kill the King; and to that purpose, there were several Letters sent weekly into *Staffordshire*, and very often directed by the Cover to him, wherein were seven or eight several Letters, as from *Ireland*, and *Harcourt*, and *Grove*, to people that were in *Staffordshire*; that is to *Ewers*, and *Lewson*, and *Vavasor*, and many times they did write concerning the going on with this Plot of killing the King, that they must use great secresie in it, and makes mention what Officers they should have for an Army to support that matter, when they had done; they ingaged him particularly, first about two years ago to be one in it, but more precisely in *June* or *July* last was Twelvemonth, and he should have gone he says in *October* after up to *London*, in order to it; and there he should have directions from *Ireland*, how he should manage himself. And he gives you an accompt, that my Lord *Stafford* promised him he should have 500 *l.* as part of his reward, and when the Work was done, he should be better gratified; and he says, he did intend to have gone up in *October* to this purpose, but the Plot broke out, and he was prevented.

Sir *Rob. Sawyer*, Pray Mr. *Dugdale*, you have been formerly examined; did you hear any thing of a massacre? or of any particular Persons to be murdered, besides the King and the Duke of *Monmouth*?

Mr.

Mr. Dugd. I do not remember any in particular, but they two; but in general, all Protestants they intended to cut off.

Mr. Ward. All Protestants? *Mr. Dugd.* Yes.

Mr. Just. Atkins, Pray Sir, what did induce them to have so much confidence in you? Had you any such Zeal for their Religion?

Mr. Dugdale, Yes, in so much that they thought I was a Priest in the Countrey.

Mr. Just. Atkins, Had you been free of your Purse? did you give them any mony?

Mr. Dugdale, Yes, I gave them for this, and for the praying for my Soul the sum of 400 pound, which was secured upon a Deed of Land; and I promised them another 100 pound when they made moan for the want of money. And when *Mr. Peters* said, if they did not make more hast with their Contributions, they should be at a great loss: And *Mr. Gavan* promised me, I should be canonized for a Saint.

L. C. J. When had you given the 400 pound?

Mr. Dugdale, I had given it them in money, it was upon a Deed of Land, which was conveyed to *Mr. Gerrard,* & was to be sold for the raising of that mony.

Corker, Mr. *Dugdale,* you make mention of a certain Letter sent from *London* here from *Mr. Harcourt,* but not *Mr. Harcourts* Letter, in which Letter you say it was mentioned that the King should be killed, and that an Army should be raised, and some such matters of grand Design. Sir, don't you know from whom that Letter came, I ask you?

Mr. *Dugd.* I cannot directly at present call to mind the persons name, I may by and by perhaps.

Corker, Then my Lord, I appeal to the Court, and beg the Judgment of the Court whether a Letter of that vast concernment about killing the King, the destruction of the Nation, and the raising of an Army should be sent from a man that he himself does not, nor can tell his name, nor the place this Letter came from. That a man should be so mad to send by the common Post a Letter of such vast concern, and yet neither the party to whom, nor the party from whom it came, be remembred.

Mr. *Dugd.* I can give you satisfaction as to some Letters I have received, and I can tell you in particular from whence they came. One came from *Paris* to St. *Omers,* and so from St. *Omers* to *London,* and from thence by a special messenger to *Tixall* in *Staffordshire*; and my Lord *Aston* and Mr. *Ewers* read it one night in my sight in the Parlor.

Corker, Just now he said it was by a special messenger, and before he said the Letters came by a common Post.

Mr. *Dugd.* I speak of another letter now, then those I spake of before.

L. C. J. He did indeed say before, that there was a letter as you repeat it, that had the importance of killing the King, but he could not particularly charge himself with the person that writ it, but saith he, I can now remember another letter that was sent by a special messenger, and he will tell you who that letter was writ by, and who it came from. From whom came it?

Corker, That was only to correct a former Lye.

Mr. *Dugd* There was *J. W.* writ to it, and I suppose it was from Sir *John Warner.*

L. C. J. Where was it dated? whence did it come?

Mr. *Dugd.* There was one from *Paris,* it was first begun at *Paris* where Advice was first to be had, and Assistance was promised how it should be carried on, and they

thought

thought it was the best way after they had killed the King, for the Papists to give the first Alarm that it was those still King-killing Persbyterians that had done that Act, and that then the Church of *England* men would be willinger to joyn with the Papists to cut them off.

Lord Ch. Just. This was the substance of the letter.

Mr. Dugdale. Yes, this was the Substance of the letter. And the letters from *London* said they thought it good Advice, and there were several Lords in *England* set their Hands to it, acknowledging it as good advice: and in that very letter there was an Army mentioned, that there should be an Army ready to cut off those that should escape haveing their Throats cut.

Lord Ch. Just. Who brought that letter.

Mr. Dugdale. I do not know who brought it from *London* to *Bosoobell*, but there was a special messenger brought it thence to *Tixall*, and his name was ---- *Carrington.*

Lord Ch. Just. You say there were several Lords set their Hands to it, what Lords were they?

Mr. Dugdale. I have formerly mentioned them, there was my Lord *Stafford*, my Lord *Bellasis* and my Lord *Arundell.*

Lord Ch. Just. To what purpose did they set their Hands to it?

Mr. Dugdale That they approved it as good Advice.

Lord Ch. Just. Then Gentlemen, this is that he says. Here is a letter that was brought by one----*Carrington* to my Lord *Aston*, and the substance of the letter was to justifie the killing of the King by the Raising of an Army, and that this letter came from St. *Omers*, and that it had the letters J. W. subscribed to it, which was supposed to be Sir *John Warner* and that this letter was looked upon by some at *London*, and that they as approving of it, set there Hands to it as good Advice, and then sent it down into the Countrey.

Corker. Was the letter dated from St: *Omers*? Was St: *Omers* writ in the inside, what say you. Speak.

Mr. *Dugdale.* There were 3 letters *I* say, that came in that Pacquet from St. *Omers*; one came from *Paris*, another from St. *Omers*, and another from *London.*

L. C. J. And all these in one Cover *Mr. Dugdale.* Yes.

Sir *George Wakeman.* How could the same Cover cover all those Letters?

Mr. *Dugdale* All the letters were covered in *Grove's* Pacquet.

L. C. J. Here is the matter, he supposes there was a Letter writ first at *Paris*, and that is, then sent to St. *Omers*; and then there was a Letter writ there by Sir *John Warner* or some of them, and sent to *London*, and perused in *England* by the Lords, and all sent in one Cover into *Stafford-shire.*

Corker. Your Lordship makes sense of it, but he made none but contradictions, and said he did not know whence it came, nor who writ it. You say Sir, you were one of those to kill the King, pray when were you to kill the King.

Mr. Dugdale. In *October*, I was to have done it when *I* came up.

Corker. My Lord, here is a Plot and a design driven on several ways to murder the King. Dr. *Oates* in his Narrative, as I perceive, gives us a description of several Contrivances that were made use of to commit this murther. He in all his Discription tells us only as I take it, of 3 Ways of killing the King, the one by *Grove* and *Pickering*, ano-

Relations, makes not any mention of a fourth design to kill the King, or of any other Plot or design at *London* to kill the King; but he saies if *Grove* & *Pickring* miscarried, it was to be done by the four Ruffians, & they miscarrying, it was to be done by poyson, now comes he with a thing that never was thought of before, that *Oates* never gives any relation of. *Lord Ch. Just.* What then?

Corker. He my Lord, tells us that this was to be done in *October*, when all the other things that were to be done, were past; and what, should they design to kill the King in *October*, when it was to be done before in *July* or *August*.

L. C. J. Look you the first part of your Objection, wherein you say he names but three wayes of Killing the King, what do you infer from that, because this Gentleman sayes there was a fourth, there was not. Dr *Oates* told you as much as he knew of the matter but he does not undertake to give you an accompt of all the Plot or Plotters in this affair. If you make any Reasonable objection against Mr. *Dugdale's* Testimony I will allow it, but these inferences I must not. That this is a strange story of Mr. *Dugdale's*, because tis not part of *Oates* Discovery, is that a reasonable objection? But then for the latter part, that Dr. *Oates* says the King was to have been killed in *July* or *August*, therefore what should they think of killing him in *October*; he tells you that in *June* and *July* they did engage him in the general Plot, and first then be instrumental in Killing the King, but he was not to be gone, till *October*, to *London* to do it.

Corker. When the thing was done.

Mr. Just. Wyndham. No, no, because the thing was not done, or because it might miscarry by others, therefore he was to come then.

L. C. J. They could not tell when it would be done, or by what hand it would be done; therefore they were engaging as many as they could, provided the thing were not done.

Marshall. Amongst other things that seem to render his Testimony suspected, there is one which is taken from the common Practice of all men in cases of like Nature, for where there is danger in matters of concernment, men use to be very circumspect who they choose, and make choice of as few as possible? but now here is person after person conspiring without end, and letters to this persons; and to that person, and nothing is proved to be done upon it, so that here is the greatest Confusion imaginable, an 100. of men, nay, almost a whole Nation are acquainted with it, when a few might serve the turn.

Sir *Robert Sawyer*, Why do you say tis known to the whole Nation, when it was so close a Conspiracy?

L. C. J. North, You that are at the Bar, we do not object to what you say as to the way of it, but as to the Time that you deliver it in, it is the Course that you deliver your Objections when the Kings Evidence is done, indeed when the Kings Counsel have done what Questions they have to ask of the witnesses, then you may ask them what Questions you will, but for the Observations that you would make by way of objection to the Evidence, and as to their Credit you should reserve to the last, when be Kings Evidence is done.

Prisoners. My Lord, we desire we may be allowed Pen, Ink and Paper.

Mr. *Recorder*, Let them have it.

Lord Ch. Justice. Indeed there is one thing very considerable on your side, and tis fit there should be an account given of it. Tis very strange that a Thing of that Nature,

should be writ so plain, I mean the Killing of the King in a Letter that should be sent by the common Post, what say you to that?

Mr. *Dugdale*, Mr. *Ewers* did it for no other end in the World, but that they intended if it should be discovered all should be flung upon me, and I was sworn to deny it, and they were to go free.

L. C. J. What were the words of the Letter.

Mr. *Dugdale*, In that of Mr. *Whitebreads* it was contained down right plainly, *he should choose such as were hardy for the Killing of the King.*

L. C. J. And how did that Letter come? mr. *Dugdale* By the common Post?

Sir *George Wakeman.* No man living can believe it.

Mr. *J. Pemberton*, There was no mention of *Ewers* on the out side, nor no name to it, was there?

Mr. *Dugdale*, No, none at all my Lord.

Mr. J. *Pemberton.* No name to the Letters?

Mr. *Dugdale*, Only the two first Letters of their names.

Marshall, Would they in such cases, can any man think, be so mad as to venture their lives, and all for they knew not what? Would the Lords, whose names he says were subscribed to one of the Letters, engage their Lives and Fortunes in the Signing of a Letter, wherein both were so much endangered, and commit it to such an hazard?

Rumley. Would they set their hands to such a *Letter*, as they could not be certain into whose hands it might come? and he says he does not know who it came from.

Mr. J. Pemberton, mr. *Dugdale*, was that Letter by a common Post, that the Lords set their hands too?

mr. *Dugdale*, No, it was by a special messenger.

L. C. J. Look you gentlemen, the answer that he gives to your Objection is this; You say it is strange, and indeed it is so, that such a Design shoul be writ so plain in English in a Letter, but he says there was no body in danger by it, but himself, for there was no body could tell from whence it came, because only two Letters of the name were subscribed; and, says he, it was directed to me only, and so I might have suffered, but *Ewers* name was not mentioned, to whom it was intended to go.

Rumley, Yet he says, he does not certainly know who it came from.

Mr. Recorder. Gentlemen you have your proper time for that, if you will make any Remarks.

Mr. J. Pemberton. Will you ask him any more Questions? As for your Arguments you must not use them now.

L. C. J. *North*, But they have desired Pen, Ink, and Paper, is it given to them?

Mr. Recorder, You must allow the Prisoners Pen, Ink, and Paper, if they desire it.

L. C. J. Ay, all of them, if they would have it. (*Which was done.*)

L. C. J. mr. *Dugdale*, this Letter that came from *Whitebread*, it came with others, did it not?

Mr. Dugdale, Yes, my Lord it did.

L. C. J. The Cover was directed to you, was it not?

Mr. Dugdale, Yes my Lord, it was.

L. C. J. Had the other Letters particular Directions to particular Persons?

Mr. *Dugdale*, Every Letter was directed to me.

L. C. J. What, besides the Cover? mr. *Dugdale*, Yes, besides the Cover.

L. C. J. Who were you to communicate them to?

Mr. *Dugdale*. They had a particular mark that they were known by, there was always a black Croſs upon them, I was to give them to mr. *Ewers*, and he was to communicate them to others concerened.

L. C. J. What was upon the other Letters?

Mr. *Dugdale*, I had no Letters but what *I* delivered to *Ewers*.

L. C. J. Was he the only man that they were delivered to?

Mr. *Dugdale*, Yes, my Lord.

L. C. J. And he diſtributed them as he pleaſed, did he? Mr. *Dugdale*, Yes.

L. C. J. Had you more Marks than one?

Mr. *Dugdale*, No, my Lord, no more Marks than one.

L. C. J. So you were only Agent between Mr. *Ewers* and them, and none elſe?

Mr. J. Windham, They were all directed to you, how did he know who they were to go to?

Mr. Dugdale, I was to deliver them to him, and he diſperſed them to the ſeveral perſons, and he rid conſtantly abroad about it.

L. C. J. Were there ſeveral marks to know who they were to?

Mr. Dugdale, my Lord, he knew by converſing with them, their ſeveral hands, and ſo could tell by what was written, what was intended, and what the buſineſs was, and for whom.

Corker, There muſt have been ſeveral tranſactions, and a man muſt have received ſeveral Letters before he knows anothers hand.

M. J. *Pemberton*, Will you ask him any Queſtions, you muſt not argue upon it yet.

Rumley, How many Letters came to you pray from beyond Sea?

Mr. Dugdale, An hundred I believe in two years time.

Rumley, From how many ſeveral perſons? Methinks you ſhould produce ſome of thoſe *Letters*.

M. *Dugdale*, There were Letters from Sir *John Warner* very often I cannot remember all.

Rumley, methinks you might be more ready in your Evidence, then upon every turn to ſay you can't remember. Have you none of thoſe Letters?

Mr. *Dugdale*, I burnt thoſe *Letters* which *I* kept before *I* intended to diſcover the Plot; but in a multitude of *Letters*, 'tis hard to tell particulars, I tell you what *I* remember of them.

Corker, You make mention of Killing the King, and raiſing an Army, and theſe were ſpecified in two *Letters*. In thoſe matters which concerned the Raiſing of an Army, Were there only *Letters*, no Commiſſions ſent for the Raiſing of Forces? Did you never ſee any of the Officers? Did you never communicate with any of them?

L. C. J. Did you ſee any Commiſſions firſt?

Mr. *Dugdale*, No, I never did ſee any of them.

L. C. J. Did you ever talk with any that were intended to be Officers?

Mr. *Dugdale*, Yes, I have. *L. C. J.* Name them.

Mr. Dugdale, There was Sir *James Symons*, and *Mr. Howard*, I have talked with them.

L. C. J. With them two?

Mr. Dugdale, And with one Captain *Adderley* that is dead.

Corker, Why there are three Officers towards the raiſing of ſeveral thouſands of men.

Mr.

Mr. J. Pemb. Look you, Mr. *Corker*, you muſt direct your ſelf to the Court, and propoſe your Queſtions here.

Corker, Mr. *Dugdale* tells us, that for the promoting of this Deſign, that he gave 400 *l.* and with the ſame breath ſays, He was to receive 500 *l.* methinks this is to do and undo.

Mr. *J. Dolben*, Pray keep this arguing of yours till the laſt.

L. C. J. North, The Court hath told you already this is not proper for you. 'Tis true, you muſt have liberty to ask Queſtions, becauſe there are ſome Queſtions that elſe may be forgotten, and the opportunity will be loſt, but when you have aſked thoſe Queſtions, make your own Obſervations upon them in private to your ſelves, and afterwards it will be time for you to argue upon it to the Jury, when the Kings Council ſhall have done their Evidence: but now to make theſe inferences, will do you little Services, and can't be permitted.

Mr. Dugd. My Lord, I deſire to anſwer it now; It was my Lord *Stafford* that promiſed me the money, and I went preſently to know of Mr. *Ewers* what it meant, becauſe I had given my money before, and my Lord *Stafford* did not, I ſuppoſe, know any thing of it.

L. C. J. How long was it before that you gave the money?

Mr. *Dugd.* It was two or three years before, at the beginning when the Plot was firſt diſcovered to me for the introducing of their Religion.

Mr. J. Atkins, He was a great Zealot, but my Lord *Stafford* did ſuppoſe the mony might quicken him.

Mr. *Dugd.* It was for my incouragement, and I ſhould have a greater reward after.

Corker, He received the money, I ſuppoſe, when he was in Priſon for Debt, rather than for any thing elſe.

L. C. J. North, You may obſerve that by and by.

L. C. J. Look you, this is what he hath ſaid, it is all but in general, and he does not name any of you Four: But here was a general contrivance, he ſays, to bring in Popery; I am afraid that is too true; and as the beſt way to effect that, they reſolved to kill the King; and I am afraid that is too true too, for it was indeed the likelieſt way.

Then ſtood up Mr. Prance.

Mr. *Ward*, Mr. *Prance*, pray will you give the Court an account only in general of what you know of any Deſign that was at this time?

Mr. *Prance*, It was a fortnight or three weeks before *Michaelmas*, I went to one Mr. *Irelands* Chamber in *Ruſſel-ſtreet*, where was *Mr. Fenwick* and Mr. *Grove*, and there they were diſcourſing of 50000 men that were to be raiſed for the ſettling of the Roman Catholick Religion; and I aſked Mr. *Fenwick*, How that could be done? And he ſaid, *Very eaſily in a ſhort time.* Then I asked him, What poor Tradeſmen ſhould do? And he ſaid, *I need not fear, for I ſhould have Church-work enough to make Crucifixes, Baſons and Candleſticks.*

Mr. J. Atkins, You are a Working Goldſmith?

Mr. *Prance*, Yes. Then I asked, who ſhould govern them? And he ſaid, my Lord *Powis*, my Lord *Stafford*, my Lord *Arundel*, my Lord *Bellaſis*, and my Lord *Petre*. Two or three days after that, *Grove* came to my Shop to buy ſome Spoons for a Chriſtning; and then I did ask him, what Office he was to have? He ſaid, He did not know,

but he ſaid, that my Lord *Bellaſis*, my Lord *Powis*, and my Lord *Petre*, had Commiſſions to govern the Army. And after that, there was one Mr. *Paſton* in *Dukeſtreet*, I went to him to know how I could direct a Letter; and after a little time, we fell into diſcourſe concerning the Affairs of the Times. He told me, The Lords had given out Commiſſions, one was to Sir *Henry Bennifield* in *Norfolk*, another was to Mr. *Stoner* in *Oxfordſhire*, and another was to Mr. *Talbot* of *Longford*. He ſaid that they had given Commiſſions for to raiſe an Army.

Mr. *Ward*, What was that Army to do?

Mr. *Prance*, It was to ſettle the Catholick Religion.

Mr. *Ward*, Did you hear any thing mentioned of killing the King?

Mr. *Prance*, Yes, I did.

L. C. J. Who told you this that you ſpeak of about the Commiſſions?

Mr. *Prance*, Mr. *Paſton*, my Lord, in *Duke-ſtreet*.

L. C. J. Was he a Prieſt?

Mr. *Prance*, No but he kept ſome in his Houſe, and they ſaid Maſs every morning.

L. C. J. Is he of any Profeſſion?

Mr. *Prance*, He was a Counſellor, but doth not practice now, he hath an Eſtate of 5 or 600 a year.

L. C. J. Now go on, and ſay what he told you.

Mr. *Prance*, He ſaid, there were Commiſſions given out to Sir *Henry Bennyfield* and one *Talbot* of *Longford*.

L. C. J. When was it he told you this? Mr. *Prance*, It was in *Auguſt* laſt.

L. C. J. And did he ſay they had Commiſſions ſent to them?

Mr. *Prance*, Yes, they had them in the Country, where they were to raiſe their Troops: I heard of more, but I only remembred thoſe three.

Mr. *Ward*, Do you know one *Meſſenger*? Mr. *Prance*, Yes.

Mr. *Ward*, What diſcouſe had you with him?

Mr. *Prance*, My Lords Butler told me ——

L. C. J. Who told you? Mr. *Prance*, My Lords Butler.

L. C. J. What Lord?

Mr. *Prance*, My Lord *Arundel*. He waited then on one *Sheldon* that was Almoner to the Dutcheſs of *York*. He told me, That mr. *Meſſenger* was to kill the King, and he was to have a good Reward for the ſame. Soon after I was going over *Lincolns-Inn-Fields*, and met with mr. *Meſſenger*, and asked him, Why he would kill the King? He ſeemed to be ſurprized, and ſtarting back, ſaid, *Who told you that?* Said I, Your Butler told me. *Oh*, ſaid he, *we are quite off of that now*: But then I was going away, and he called me back, and asked me, *If I would go and drink with him?* No, ſaid I, I cannot ſtay at this time. *However, pray*, ſaid he, *keep counſel for we are off of that now*.

Mr. *Ward*, Will you ask the Witneſs any Queſtions?

Corker, Yes, my Lord; Thoſe Commiſſions you ſpeak of, when were they ſent? in *Auguſt*?

Mr. *Prance*, No, I do not ſay ſo, but that Mr. *Paſton* told me of them in *Auguſt*. I cannot tell the day.

Sir *Rob. Sawyer*, If you obſerve it, Gentlemen, he only tells you what ſome of the Prieſts, and perſons of your Religion, acquainted him with; not any thing particularly againſt you.

Mr.

Mr. *Ward.* Then next we call Mr. *Jennison.* (*Who stood up.*)

Sir *Ro. Sawyer.* Mr. *Jennison* pray give the Court an account of what you know of any design in hand, or What discourse you had with any person about such a thing.

Mr. Jennison. Sir in the month of *June* 1678. I was at mr. *Ireland's* Chamber.

Sir *Ro. Sawyer.* Where, Sir?

Mr. Jennison. In *Russel-street* next the White-Hart. And there arose a discourse about Religion, and some hopes there were, he said, that the Romish Religion, should be publickly owned again in *England*; & when I came in, I remember mr. *Ireland* did say, There was only One in the way, that stopp'd the Gap, and hindered the Catholick Religion from flourishing in *England* again; and said, It was an easie matter to poyson the King.

Lord Ch. Just. Who was by pray when he said so? Mr. *Jennison.* His Sister was by.

L. C. J. Name her, Sir. Mr. *Jennison.* Mrs. *Anne Ireland.*

L. C. J. Who else? Mr. *Jennison.* None else.

L. C. J. Then there was only you, and *Ireland* and his sister. And you say, That they were discoursing concerning their hopes of bringing in Religion and *Ireland* said, There was but One in the way, and that it was not an hard matter to poyson the King.

Mr. *Jennison.* Yes my Lord; and so I not knowing any thing at all of the Plot, or imagining the Design, did answer, perhaps it may be done, but it would be a very horrid thing if it should. Then Mrs *Ireland* did rebuke her Brother, and asked him, Why he talk'd so? And then he answered with some *Salvo* or other, That he did not think it ought to be done. Then I pursued the discourse about Religion, and told him, I thought it would never come in by violence, and that it was a great scandal to Religion for the professors of it to propagate and promote it by any such way: And then *I* put him in mind of the Gunpowder Treason. of the ill success it had, and the great injury it did to the cause. He answered, That was only a State-Trick, and an Invention of my Lord *Cecil's.*

L. C. J. Ay, they do say so, I know; were you a Papist then?

Mr. *Jennison.* Yes, my Lord, *I was.*

L. C. J. Are you one still? Mr. *Jennison.* No, my Lord.

Mr. Ward. Mr. *Jennison*, were you with him again at any time? And what time was it that you met him, as you remember?

Mr. *Jennison*, The 19 of *August* after I came from *Windsor.*

L. C. J. Where did you see him.

Mr. *Jennison*, At his own Chamber in *Russel street.*

L. C. J. How do you so precisely remember the day, that it was the 19th of *August*?

Mr. Jennison, I Remember it by this, the beginning of *August* I went to *Tunbridge* with mr. *Tonstall* and another Gentleman, and there I staid till the 14th, when I came to Town, and staied two or three days, and on *Saturday* in the Afternoon I went to *Windsor* to take my leave of Mr. *Bowes*, being to go down into the *North*, & the next day, *Sunday*, and came back again on *munday* morning, and came to Town about twelve a Clock the 19th day, as I have considered it since it was, and a *munday.*

L. C. J. And then you went to *Irelands* Chamber, did you?

Mr. Jennison, Yes, then *I* went to mr. *Irelands* Chamber.

L. C. J. By the Oath you have taken, because it is very material not to your cause, but it shews how fit it is that the world should know with what Truth or Falshood these men dare die, and this man did in particular. It was affirmed by him to the very

last

laſt of his breath, that he was never here in *London* after the third of *Auguſt*, till ſome time in *September*, but was all the while in *Staffordſhire*; and they did at the laſt Tryal produce Sir *John Southcot*, and his Coach-man, and his Lady, and I know not how many other witneſſes to give an account where he was from the third of *Auguſt*, all along till the middle of *September*; and they teſtified that they kept 16 days together in his Company; and then they produced People in *Cheſhire* to ſay, that they ſaw him there. Therefore I do now ask you upon your Oath, Are you ſure that you ſaw *Ireland* here the 19th of *Auguſt*.

Mr. *Jenniſon*, Yes, my Lord.

L. C. J. Do you ſwear that poſitively? Mr. *Jenniſon*. Yes, my Lord, I do.

Sir *Robert Sawyer*. He will till you the diſcourſe he had with him then.

Mr. *Jenniſon*. After that *I* came to Mr. *Ireland*'s Chamber, I underſtood he was newly come out of *Staffordſhire*. And he pull'd off his Boots while *I* was there upon the Frame of a Table, or elſe upon a Jack, I cannot poſitively tell which, but I believe it was on the Frame of a Table, I asked him, How all our Friends did in *Staffordſhire*? He told me, Very well, and that they would be glad to ſee me there. Then he asked me, whence *I* came, and where I had been? I told him, I had been at *Windſor*. He asked me, What news? How the Court diverted themſelves? I told him, I underſtood His Majeſty took great delight in hawking, and Fiſhing, and chiefly in Fiſhing, and uſed to go out very early in the morning, accompanied only with three or four perſons of Quality.

Lord Ch. Juſt. Did he ask you what Company he had? Or did you tell him of your own accord?

Mr. Jenniſon. No, I think I told him of my own accord, that the King went out very early, and had but little company with him. Lord, ſaid he, I wonder the King ſhould go ſo thinly guarded, he were eaſily taken off, I wonder he ſhould go ſo open. Said *I*, God forbid, ſure no body would be ſo wicked; and then he qualified it by ſome expreſſion; ſo that at that time *I* made no ill reflection upon it, till after the Plot broke out, and then diſcourſing of it to my Father and my Siſters, I ſaid *I* wiſh it be not true, pray God there be nothing in this Plot, becauſe of the Diſcourſe that happened between mr. *Ireland* and me. 'Tis very ſuſpitious, ſaid I.

Sir *Robert Sawyer*. At that time had you any diſcourſe whence he came, and about his wearineſs?

Mr. *Jenniſon*. He ſaid, he came out of *Staffordſhire*, and came Poſt. I underſtood he came very early that morning. I told him that Schollars ſuch as he, would rather chooſe to come upon an Ambling Horſe, and that I was weary my ſelf.

Sir *Robert Sawyer*. Were you very well acquainted with Mr. *Ireland* that ſufferd?

Mr. *Jenniſon*. Yes, very well.

Sir *Robert Sawyer*. Are you ſure he was in *London* the nineteenth of *Auguſt*.

Mr. Jenniſon. Yes, and I talked with him then.

Lord Ch. Juſt. How long had you known him before?

Mr. *Jenniſon*. A year and half.

Sir *Robert Sawyer*. Pray when did you go out of *London*. to the North? what time did you go away?

Mr. *Jenniſon*. I went the fourth of *September*, as the coach Booke will make it appear.

L. C. J. The Evidence they gave was, that he did not come to Town till the 13th.

of

of *September*, but he was gone the 4th it seems to the North, and that is before that time. Well, will you ask him any Questions?

Corker, Mr. *Ireland* had been in *Staffordshire*? Had not he? for the 19th you say he came to Town, I do not well remember, but the design of the Ruffians of killing the King, about which *Oates* speaks, was before the 19th at the Consult of which *Ireland* was so grand an instrument.

L. C. J. That was in *May*, was it not?

Corker, No, That of the Ruffians was in *August*, as he says.

Sir *Rob. Sawyer*, Will you ask him any Questions? Look upon him; you see how creditable a witness he is.

Corker, Did you, pray Sir, leave your Religion, and make this discovery before the pretended Plot came out? When did you leave your Religion?

Mr. Jennison, About three months ago.

L. C. J. He told you that as soon as the Plot broke out, said he, I told my Sisters and my Father of it, and said, I pray God this Plot have not more in it than we are aware of, for I had some discourse with *Mr. Ireland*, which I took no notice of then, because he qualified it at that time, and said it was not lawful, and I did make nothing of it then, but now it runs much in my mind.

Corker, This he says, but this man did not leave his Religion, to make this discovery till it appeared advantageous to him so to do.

Mr. Recorder, It is an observation you make, but it had been well if you, and all of that Perswasion would have left it when you saw what it led to.

L. C. J. I know not what advantage you mean, nor do I see any colour you have to say so, for they say this Gentlemans Father is one of a 1000 a year, and he is his eldest Son?

Corker, Are you your Fathers eldest Son?

Mr. Recorder, There is an elder Brother, my Lord, but he is a Priest.

L. C. J. Is your elder Brother a Priest?

Mr. Jennison, My Lord, I don't know that, he is in *Newgate* about it.

L. C. J. Is it reported that he is so?

Mr. Jennison, My Lord I don't know it of my own knowledge.

Corker, He does not know it, and therefore he is not the Heir, and therefore the advantage of his Estate is not such, but that he might well lay hold of this discovery.

Sir *Rob. Sawyer*, I hope by and by Gentlemen, you will make a better defence than this.

Mr. J. Pemb. What you say should be by way of question proposed to the Court.

Mr. Record. But you take it upon your Oath that you saw *Ireland* the 19th of *August*? Was that after you met with *Mr. Bowes*?

Mr. Jennison, I did not meet with Mr. *Bowes*.

Mr. Record. How long after you had left him was it?

Mr. Jenni. I did not see him there, I went to see him but he was not there.

L. C. J. But he says precisely that the 19th of *August* he went to *Mr. Irelands* chamber, where he saw him pluck off his Boots and talking, as if he had come out of *Staffordshire* Post, so that indeed he was in *Staffordshire*, but not all the time he said he was.

Mr. Ward, Then pray call *Mr. Bowes*. (*Who was sworn*)

Sir

Sir *Rob. Sawyer*, Pray Sir will you give the Court an account, when you saw this Gentleman, and about what time he went out of Town.

Mr. *Bowes*, My Lord, I saw him in *August*, the beginning, or about the middle of *August*, in *Tunbridge*. before my coming to Town.

Sir *Robert Sawyer*, Pray when did he leave this Town? when did he go out of Town?

Mr. *Bowes*, I cannot point blank tell the time, but I could recollect my self, I believe in a little time.

Sir *Rob. Sawyer*, Do you know of his going to *Windsor*?

Mr. *Bowes*, I did not see him there, but he writ a letter to me that he went thither to meet me there, but I saw him not till he came to Town again.

L. C. J. Who is't you speak of? Mr. *Bowes*, Mr. *Jennison*.

Sir *Rob. Sawyer*, What did he write you in that letter?

Mr. *Bowes*, Sir the letter is here in Court, I don't remember the particulars.

Sir *Rob. Sawyer*, Is it here in Court? Mr. *Bowes*, Yes, it is I think.

Mr. *Recorder*, Shew it him, for it may refresh his memory about the time.

(*Which was done.*)

L. C. J. Is that the letter? Mr. *Bowes*, This is the letter.

Sir *Rob. Sawyer*, Pray when did you receive it?

Mr. *Bowes*, It was in *December* before Christmas, here is a Gentleman that then saw it.

Sir *Rob. Saw.* Pray Sir will you please to look upon it, and then acquaint the Court with some of the Contents.

L. C. J. *North*, You are sure, Mr: *Bowes*, that Mr. *Jennison* was in Town in *August*?

Mr. *Bowes*, He came then from *Tunbridge*.

L. C. J. That is all, we can make no more of it: Did he meet you at *Windsor*?

Mr. *Bowes*, No my Lord, I was gone to *Windsor* before, and when he came I was gone out of the Town.

L. C. J. What time went you to *Windsor*?

Mr. *Bowes*, The twelfth or thirteenth of *August*; it was on a monday or a tuesday after I came from *Tunbridge*.

Sir *Rob. Sawyer*, Then we shall call one witness more, and we shall prove by him; that is one Mr. *Burnet*, that the 17th of *August* he did meet Mr. *Jennison* going to *Winddsor*. Pray call Mr. *Burnet*. (*Who was sworn.*)

L. C. J. Pray Sir do you know Mr: *Jennison*?

Mr. *Burnet*, I met him as I was coming from *Windsor*, that day *Dotchess* Horse Race was.

L. C. J. What day was that? Mr. *Burnet*, I cannot exactly remember the day.

L. C. J. What month was it? Mr. *Burnet*, In *August*.

L. C. J. Was it the middle of *August*, or the latter end?

Mr. *Burnet*, It was about the middle of *August*.

L. C. J. This does not so much relate to you, but it is to give satisfaction to all the world, that what was asserted by Mr *Ireland* all along, and at his death, and seems to be justified by so many witnesses as were produced on that account, to prove that he was not here in *August*, is utterly untrue; for this Gentleman Mr. *Jennison* swears he saw him here in Town the 19th of *August*, and to prove that Mr. *Jennison* was here,

here

here is *Mr. Bowes* and this other Gentleman that come to fortifie his Testimony, who swears precisely, that the 19th of *August* he was at Mr. *Irelands* Chamber, where he saw him pluck off his Boots, and talk'd as if he came Post then from *Staffordshire*.

Corker, I suppose it will not be permitted us to make any argument upon this neither as yet.

L. C. J. No, no.

Sir *Rob. Sawyer*, But now Gentlemen it will behove you to take Notes, for we shall come home to you, and we begin with Dr. *Oates*, (*Who stood up.*)

Mr. Ward, Pray Sir, will you tell your whole knowledge of this matter, and apply your self as near as you can to every one of the Prisoners at the Bar.

Dr. *Oates*, My Lord, in the month of *July* Mr. *Ashby* came to Town sick, and being sick, and one of the Society, the Prisoner at the Bar, Sir *George Wakeman* was his Physician, and being his Physician he did write him some Instructions how he should order himself before he went, and at the Bath; That he should in the first place take a pint of milk in the morning, and a pint of milk at night, and should drink no morning draughts but milk, and that he should have one hundred stroaks at the *Bath* at the Pump, I do not so well understand what that means, but I suppose the Court doth, but these were the words of the Instructions. In this letter Sir *George Wakeman* did write, that the Queen would assist him to poyson the King, and this letter was brought by a messenger to master *Ashby*. Within a day or two after I saw mr. *Ashby* and Sir *George Wakeman* the Prisoner at the Bar (he was so called) but I had no acquaintance with him, but just the sight of him) I saw him sit in a writing posture, I saw him lay by his pen, rise up and go away, and the same hand that he left behind him in a paper where the ink was not dry, was the same hand that writ the letter to mr. *Ashby*. And, my Lord, in that time of converse while he was writing, this mr, *Ashby* did give him some instructions concerning the Commission he had received of being Physician to the Army. Now, my Lord, in some few days after there came a Gentleman for some of the Fathers from *Wild*-house, that had the Title either of Sir *Richard* or Sir *Robert*, but he was a middle-statured man, and a brisk man, about the age of four or five and forty, and he came with Commands from the Queen for the Fathers to wait upon Her at *Somerset* house and I did wait upon these Fathers, there was Father *Harcourt*, Father *Kaines*, Father *Langworth* and Father *Fenwick*, and another Father, I cannot remember his Name. And may it please your Lordship, we did attend at *Somerset*-house, and the Fathers went in to the Queen into a Chamber where she was, and I waited in an Anti-chamber, and I did hear a Woman's voice which did say, that she would assist them in the propagation of the Catholick Religion with her Estate, and that she would not endure these Violations of her Bed any longer, and that she would assist Sir *Geo. Wakeman* in the poisoning of the King. Now, my Lord, when they came out, I desired that I might see the Queen, and so when I came in I had, as I believe, from her a gracious smile. Now if it please your Lordship, while that I was within I heard the same voice speak thus to Father *Harcourt*, and asked him, whether he had received the last 1000 *l.* and it was the same Tongue, as I can possibly guess, the same voice which I heard when I was without, and I saw no other Woman there but the Queen, and there were these Fathers. My Lord, in that very month of *July* Sir *Geo. Wakeman* was proposed 10000 *l.* in the presence of Father *Harcourt*, and Father *Fenwick* I think was there, and Father *Ireland*.

L. C. J. *Were* you there? Dr. *Oates* I was there.

L. C. J. *Was* this proposal made to Sir *George Wakeman* after this discourse you heard at *Somerset*-house?

Dr. *Oates*, My Lord, I will not be positive whether it was before or after, but it was near that time, this 10000*l.* he did refuse.

L. C. J. But you say, you heard the 10000*l.* was proffered him; pray who did propose it to him? Dr. *Oates*, *Ashby*, was to do it.

L. C. J. But who did it?

Dr. *Oates* It was *Ashby* in the name of the Provincial, from whom he had received instructions so to do.

L. C. J. But you say in your hearing 10000*l.* was offered him by *Ashby*.

Dr. *Oates*, Yes, my Lord.

L. C. J. *What* said he? Dr. *Oates*, He refused it.

L. C. J. *What* words did he use? Dr. *Oates*, He said it was too little.

L. C. J. *What* was the 10000*l.* to be given for? Dr. *Oates*, To poison the King.

L. C. J. *Were* those the words? Dr. *Oates*, Yes, they were.

L. C. J. How did the discourse begin?

Dr. *Oates* I will tell your Lordship how: There was a *Meeting* of the Fathers for this very purpose to treat with Sir *George Wakeman* before *Ashby* went to the Bath, & there being a meeting, they did break this business to him; but what preamble they made to it I cannot remember. *My* Lord, as for the other Prisoners at the Bar, *Mr. Corker* ———

L. C. J. But before you go from this matter, you say you know not how they brought it in, but they brought it in some way, he was to meet with them to that purpose, and there *Ashby* did tell him he should have 10000*l.* What Answer made he to it?

Dr. *Oates*, He said it was too little for so great a work.

L. C. J. Is that all? Dr. *Oates* That is all that I remember.

L. C. J. Did he say what he would have?

Dr. *Oates*, I can't remember that, but he said that was too little.

Lord Ch. J. Did he say he would have five more, or any other Sum?

Dr. *Oates*, No, that was not then mentioned; but there were Letters presently dispatched to *Whitebread* to tell him, that Sir *George Wakeman* had refused the 10000*l.* and then this same *Whitebread* did order the Fathers in *London* to propose five more, which proposal was made to Sir *George Wakeman*. This I speak but by hear say, and it was accepted, and 5000*l.* of it received in part, and Sir *George Wakeman's* Name was subscribed to the Entry-Book.

L. C. J. Did you see his name subscribed? Dr. *Oates*, Yes, my Lord, I did.

L. C. J. Where? Dr. *Oates*, To the Entry-Book.

L. C. J. Where was that Book kept?

Dr. *Oates*, It was the Book that the Jesuits kept: it was then in our custody.

L. C. J. Whose custody? Dr. *Oates*, The Fathers Custody.

Lord Ch. Just. Whose particularly? And at whose Chamber was it kept?

Dr. *Oates*, At Wild-house.

Sir *Ro. Sawyer*. Do you know who was the Keeper of it?

Dr. *Oates*. I cannot positively say that; I suppose the Secretary and the Fathers.

Sir Ro. *Sawyer*. And what did you see writ in that Book?

Dr.

Dr. Oates. That such a day (which day *I* cannot remember) but such a day in *August* so much was proposed to Sir G. *W.* and he accepted it, and received it: those were the words, or to that purpose.

Lord Ch. Just. Were those the words writ in the Book?

Dr. Oates, Yes, or to that purpose.

Lord Ch. Just. Do you know whose hand writ that?

Dr. Oates, Yes, my Lord, I can tell whose hand, it was Father *Harcourt* writ those words:

L. Ch. Just. Sir *George Wakeman*'s hand was not to it, was it?

Dr. Oates, Yes, it was just underneath: Received so much money of Father *Harcourt* by the order of *Edward Coleman*: now there was the Goldsmiths Name to it, I cannot undertake to say who it was, but in my conscience *I* think it was *Stoley*.

Lord Ch. Justice, How much was the money?

Dr. Oates Five Thousand pounds.

L. C. J. Was Sir *George Wakeman*'s hand subscribed to that Receipt?

Dr. Oates, Yes it was.

L. C. J. Once more, what were the words in the Book?

Dr. Oates, *Memorandum.* Such a day 15000*l.* was proposed to Sir *George Wakeman* which he accepted. I tell you the purport, and the words as near as I can.

L. C. J. Was it said for what the money was proposed?

Dr. Oates, *I* will not be positive in that, I suppose it was.

Lord Ch. Just. But you say it was written such a day 15000*l.* was proposed to Sir *George Wakeman*, and by him accepted?

Dr. Oates, Yes, my Lord, and then underneath it the Receipt was written, and this Receipt was written thus, *Received in part of this* 15000*l.* 5000*l.* *of Father Harcourt by order of* Ed: Coleman. *George Wakeman.*

L. C. J. Was the Receipt, which is said such a day, the same day that the other?

Dr. Oates, There was no other date to it.

L. C. J. Had the first a date to it?

Dr. Oates, Yes, my Lord, it had.

L. C. J. What day was it?

Dr. Oates, It was in *August*.

Corker, What day in *August*?

Dr. Oates I cannot tell.

Corker, About what time in *August*?

Dr. Oates, It might be betwixt the beginning and the middle.

L. C. J. But we will suppose for the present question a day; suppose it was written the 10th of *August*, *There was proposed* 15000*l.* *to Sir* G. W. *and by him accepted*, & then comes afterwards this note, *Received then* 5000*l.* *in part of this* 15000*l.* with his Name to it. Was there any other Date to that?

Dr. Oates, No, that was set down as the same day, *Received* 5000*l.* *in part by the Order* of Edward Coleman.

L. C. J. And then Sir *George Wakeman*'s Name was set to it at length, was it?

Dr. Oates, Yes, it was.

Sir *George Wakeman*, Where was that Received? In whose chamber?

Dr. Oates, I cannot say that.

L. C. J. Was there any place mentioned in the Note where it should be Received?

Dr. Oates, No, my Lord; *I* was then sick of the Stone, and was not at the payment of the money.

L. C. J. But did the Note mention any Name? Received of any body?

Dr. *Oates*. It was by Order of Mr. *Edward Coleman*, 5000 *l* in part of this 15000 *l*

Sir *George Wakeman*, Does he say this was in the Entry Book?

Dr. *Oates*, Yes, it was. Sir G. *Wakeman*, Where was that kept?

Dr. *Oates*, Sometimes at *Wild house*, sometimes Mr. *Langhorn* had the custody of it.

Sir G. *Wakeman*. I humbly beg of the Court that mr. *Staley* may be sent for.

L. C. J. He only sayes he believes mr. *Staley* paid it.

Sir G. *Wakeman*, Does he mention no place where it was Received?

L. C. J. No. Sir G. *Wakeman*, Nor no person it was paid to?

L. C. J. No, he says, All I saw is this, that in the Entry Book sometimes kept at *Wild-house*, sometime by Mr. *Langhorn*, there was written, *This day* (which was some day in *August*) *proposed to Sir* G. W. 15000 *l*. and by him accepted, and under that a line or two more which contained, *Then Received* 5000 *l by order of* Edward Coleman, *being part of this* 15000 *l*. George Wakeman.

Sir *George Wakeman*. Will your Lordship please to give me leave to speak something now, I may forget it hereafter.

Mr. *Ward*. We have not done yet.

Mr. *Just. Pemberton*. Sir *George*, they have not yet done with this Witness for the King.

L. C. J. *North*. Take a memorandum of it in your paper.

Sir *Robert Sawyer*, Pray what do you know more of the prisoner at the Bar, Sir *George Wakeman*? Dr. *Oates*, This is all I can recollect at present.

Sir *R. Sawyer*, Do you know any thing of any Commission that he had?

Dr. *Oates*. I did urge that he received a Commission to be Physician-General of the Army.

L. C. J. Did you see that Commission?

Dr. *Oates*. Yes, I saw it in Sir *George Wakeman*'s hands.

Lord Ch. *Just*. Had you seen it before? Dr. *Oates*, Yes, I had.

L. C. J. Where did you see it in his hand?

Dr. *Oates*. When he was writing at Mr. *Ashbys*.

L. C. J. What Note was that he left behind him there?

Dr. *Oates*, It was an Apothecaries *Bill*, as I suppose.

L. C. J. What month was it that you saw the Commission?

Dr. *Oates*. It was in *July*.

Mr. *Ward*, What do you know of his being privy to the Consult in *April*?

Dr. *Oates*. I cannot speak any thing to that.

Lord Ch. *Just*. Did he write his name to that Bill?

Dr. *Oates*. I cannot say that, my Lord, it was finished, but I cannot be positive about the Name.

L. C. J. But you say, that you believe that the Name of *George Wakeman*. was the same hand with that you saw when he writ the Apothecaries Bill?

Dr. *Oates*, It was as near as I can guess the same with that letter that was writ to *Ashby*. wherein he does direct him to take a pint of milk in the Morning, and a pint of milk in the Evening, and that he should have 100 stroaks at the *Bath*: And this hand was the same with that of the Apothecaries Bill.

L. C. J. You never saw Sir *George Wakeman* write in your life, did you?

Dr. *Oates*, I saw him in a writing posture, and I saw him lay by the Pen.

L. C. J. But you did not see him write?

Dr.

Dr *Oates*. No my Lord, But the Gentleman that sat by him was lame of both his hands, and could not write: And I saw him lay by the pen, and when he was gone away the Ink was not dry.

Lord Ch. Just. You speak of that only to shew the likeness of the hand.

Sir George Wakeman. Have you not said that you do not know my hand?

Dr. *Oates*. I have told the Court before how far I have known your hand. I saw a Letter that I say was signed and subscribed *George Wakeman*, and that was the same hand that was to the Receipt, and to the Apothecaries Bill.

Sir *George Wakeman*. Have you not said positively that you do not know it, and is not that matter on Record?

Dr *Oates*, I did see a Letter subscribed *George Wakeman*, 'tis a fine gentile hand, and after I saw him in a writing posture, I saw him lay by the pen, the ink and paper was wet, I did not indeed see him write, but there was no body in the room that could write, or in a writing posture but he, for the other Gentleman was lame of both hands.

Sir *George Wakeman*. But I pray give a positive Answer to what I ask you, have you not said you do not know my hand?

Dr. *Oates*, I do not remember I have said so.

Mr. *Just. Pemberton*, But he sayes now he believes that the hand that writ the letter to *Ashby* and the Bill that he saw green, when no body was by that could write but you, were the same.

Sir *George Wakeman*, Have not you said before the King and Council, that you never saw me in all your life, and that you did not know me?

Dr. *Oates*, My Lord, you may be pleased to know, when I saw Sir G. *Wakeman* at the Council, I had been up two nights together, and the King was willing once to excuse me from staying any further Examination, and being so ill and indisposed for want of rest, in respect both of my Intellectuals, and every thing else, I might not charge him so home, but now I have a proper light whereby I may see a mans face, I can say more to him.

Sir *G. Wakeman*, This is just *Coleman*'s case, the light was in your eyes.

Dr. *Oates*. This is the same Gentleman: I desire he may propose his Questions to the Court.

L. C. J. This is his Question, whether you did say before the King & Council you did not know Sir *George Wakeman*?

Dr. *Oates*. I do not remember whether I did or did not. I saw one called Sir *George Wakeman*, and this is that man; but I will not say this was the man that was before the Council when I was there.

Mr. Just. Pemberton, Did you see the Commission in this mans hand?

Dr. *Oates*, Yes, I did.

L. C. J. Did you know this Gentleman before he was at the Council?

Dr. *Oates*. I saw this Gentleman with Mr. *Ashby*, and he can't deny it.

Sir G. Wakeman. Can't deny it! Yes I hope you will be able to prove it, You said you never saw me in your life before you saw me at the Council.

L. C. J. Did you ever see him more than once?

Dr. *Oates*. Yes, twice in Mr. *Ashby*'s Chamber.

L. C. J What, two several dayes? Dr. *Oates* Yes, two several dayes.

Mr. *Just. Pemberton*. Where was it that you saw him when the writing you say was green that he left behind him?

Dr.

Dr. *Oates*. It was at Mr. *Ashby*'s Chamber.

L. C. J. You never saw him before that, did you? Dr. *Oates*, No.

L. C. J. How often after? Dr. *Oates*. But once after that.

L. C. J. Was that at the Council? Dr. *Oates*, No.

L. C. J. Look you what he sayes, he never saw you but twice before he saw you at the Council. Dr. *Oates*. I saw you when the 10000*l.* was proposed to you.

Sir *G. Wakeman*. Where was that? Dr. *Oates*. At *Wild-house*.

Sir *George Wakeman*. Did mr. *Ashby* lie there.

Dr. *Oates*. He did lye there, because the Provincial was beyond *Sea*, and he came up to *London* in order to go to the Bath.

Sir *George Wakeman*. What day was that proposal made to me?

Dr. *Oates*. It was before Mr. *Ashby* went to the Bath.

Sir *G. Wakeman*, In what month? Dr. *Oates*. In the month of *July*.

Sir *G. Wakeman*. By whom? By Mr. *Ashby*? Dr. *Oates*, Yes.

Sir *G. Wakeman*. In the prelence of whom?

Dr. *Oates*. Father *Harcourt*, Father *Ireland*, and Father *Fenwick*.

Sir *G. Wakeman*. You will be sure to name those that can be neither Witnesses for me nor against me.

Lord Ch. Just. Who can help that?

Dr. *Oates*. I reckon up such as you did keep company with.

L. C. J. Do you know when mr. *Ashby* went to the Bath?

Dr. *Oates*, The latter end of *July* or beginning of *August*, as I remember. And this was before he went, he stayed but fourteen or sixteen days, as I remember, in Town.

L. C. J. He says he saw you but twice, once when you writ that Note, and the second time when the proposal was made to you.

Sir *G. Wakeman*, And you knew all these things at that time when I was examined before the King and Council, turn this way and answer me.

Dr. *Oates*, I am not bound to answer that Question.

L. C. J. But you must answer his questions if they be lawful.

Sir *G. Wakeman*, I say I ask him, whether he knew all these things before that time I was examined before the King and Council.

Lord Ch. Just. That must needs be, for all these things were done before.

Sir *G. Wakeman*, Then I ask him this Question, why did you say before the King & Council, that you knew nothing of me but concerning one letter that was writ from Mr. *Ashby* to mr. *Fenwick*? shall prove this upon you; but, my Lord, let me observe this, can any one believe that if such Evidence had been given in to the King and Council against me as he now speaks of, that I should not have been immediately taken into Custody, but that I should have my liberty so long as I had?

L. C. J. I will tell you, Sir *George*, you will do very well and properly to call up your witnesses by and by when you come to make your defence, and to prove what he said at the Council-Table. Pray Dr. *Oates*, what was the reason you did not give the same Evidence then you do now?

Dr. *Oates*, I can by and by give an answer to it, when it is proved by him what I did say. As to mr. *Corker* I say this, he had a patent from the see of *Rome* to be Bishop of *London*; and Mr. *Corker* was privy and consented to a proposal that was made by

Langhorn

Langhorn to the Benedictine Monks, whereof he is one. And these Benedictine Monks did contribute 6000 *l.* to the Society of the Jesuits in order to the carrying on of this Design. And mr *Corker*, though he did deny before some Justices of the Peace, that he did go out of the Kingdom, yet he did go over to *Lampspring* in *Germany*, and staid there some short time, and he did write a letter; but whether it was dated from *Lampspring* in *Germany* or no I cannot tell, because there was only the date of the month, but not of the place from whence it came, but the latter end of *August* it was, and therein he wrote, that he did consent to the proposal for the raising of the said 6000 *l.* for he is President of the Benedictine Monks, and therefore it was necessary that he should give the Suffrage, and he had been with Father *Le Chese* and the English Monks in *Paris*, and had given an account what prospect of Affairs he had in *England*, and how the Design went on.

L. C. J. Was this in a letter? Dr. *Oates*. Yes, it was.

L. C. J. To whom was that letter directed?

Dr. *Oates*, It was directed either to Father *Hitchcot*, or to Father *Howard* then in *London*.

L. C. J. You saw the letter? Dr. *Oates*. Yes, I saw the letter.

L. C. J. Were you acquainted with his Hand-writing?

Dr. *Oates*, I will shew you how far I might be acquainted with his Hand: my Lord, this Gentleman, as *I* think, went away in *July*, as near as *I* can remember, *I* won't be positive in the time he went over, but in the month of *June* I saw this Gentleman with mr. *Fenwick*, and he had given him an account either of some Friend or Kinsman of his at St. *Omers*, that had not his Pension paid, and mr. *Corker* did give a Note under his Hand to mr. *Fenwick* where to take up so much money, and the money was to be received of mr. *Langhorn*.

L. C. J. How much was that money?

Dr. *Oates*, It was about 20 or 25 *l.* and he subscribed his Name to it, *James Corker*, for that is his Name, though he is indicted *I* know not how by th. Name of *Anthony*: and *I* have a Summons to give Evidence against *Anthony Corker*.

Lord Chief Just. He is indicted by the Name of *James*.

Dr. Oates. And then I saw his Name to an Examination that was taken by Sir *Charles Harbord*, and some other Justices that were of the House of Commons that took the Examination of this *Corker*, and it was the very same Hand he usually writ, only it was not so fair, nor so well in his Examination. This is that I say against Mr. *Corker*.

Sir *Rob. Sawyer*, Shew him that Hand there: pray, Sir, look upon it. (*Then a Paper was shewn to him.*)

Dr. *Oates*, This is the same Hand.

Corker, Is that a Copy of my Examination before the Justices?

L. C. J. It is the Original. *Corker*, I am glad it is there.

L. C. J. Shew it the Prisoner.

Dr. *Oates*, Mr. *Corker* did use to bestow the Queens Charity----

L. C. J. Is that your Hand? *Corker*, Yes, my Lord.

L. C. J. Shew him the other. *Corker*, These are both my Hand as far as I can see.

Dr. *Oates*, That Note he gave to *Fenwick* for the receiving this money was the same Hand with this, and so was the letter that came, as we suppose, from *Lampspring* in *Germany*,

Germany; but I cannot say it did so, wherein he did give consent to the raising and giving this 6000 *l.* for the carrying on of the Design.

Sir *Rob. Sawyer*, What was that you had more recollected?

Dr. *Oates*, He did dispose of the Queens Charity (as it was so called) but mr. *Corker* did say it was to carry on the Design; and this he did say in the month of *June*, when he was with mr. *Fenwick*. Now what he meant by that Design, I leave to the Jury to judge, only some parcels he had distributed two or three shillings to some, and forty shillings to another, to some more, to others less: but a great part of it he did use for the carrying on of this Design, and he said the Queen had given him Orders so to do.

Sir *Rob. Sawyer*, What do you know of his being privy to the Consult of the 24*th* of *April*?

Dr. *Oates*, He did know of it, and I will tell your Lordship how I know he knew of it. He did except against *Pickering* being chosen.

L. C. J. To do what?

Dr. *Oates*, To do that wicked thing to kill the King, for said he, *Pickering* is commonly attendant upon the Altar, and he thought it not so convenient that he should be employed about that business, because he might miss an opportunity by being at High Mass, whereas another, a Lay-man might do it.

Sir *Rob. Sawyer*, Were you present when the exception was made?

Dr. *Oates*, Yes, it was when the Order was given about the money to *Fenwick*.

L. C. J. At whose house was it?

Dr. *Oates*, At the Benedictine Convent in the *Savoy*.

Sir *Rob. Sawyer*, Was it expressed at that time what *Pickering* was to do?

Dr. *Oates*, His being privy to the Consult in *April*, I had it only from his own mouth, for he wondered that the Jesuits should employ *Pickering* in that business, when they might have a Lay-man who was more fit; he being a Religious man and attending upon the Altar, it was not so convenient.

L. C. J. Where was that 6000 *l.* to be raised?

Dr. *Oates*, Out of the Benedictines Estates.

L. C. J. Was he their President? Dr. *Oates*, Yes, he was.

Mr. Just. *Ellys*. Dr. *Oates*, was he against the thing, the doing of it at all, or against *Pickerings* doing of it only?

Dr. *Oates*, He was only against *Pickerings* doing of it. He would have had a Lay-man employed in it.

Mr. Just. *Pemberton*, That is plain, for he did give consent that the 6000 *l.* should be raised for the carrying on the whole design.

Sir *Rob. Sawyer*, Do you know any thing besides that letter you have mentioned, which he writ, to give his consent?

Dr. *Oates*, Nothing, but that because he had given his Consent the mony was paid.

L. C. J. Do you know it was afterwards paid?

Dr. *Oates*, I believe that the money was paid, for our Fathers said that they had received it.

Mr. *Recorder*, What say you to the rest of the Prisoners?

Dr. *Oates*, Mr. *Marshal* I do charge with the same, that is, that he was actually present at the Benedictine Convent when the 6000 *l.* was agreed to be contributed, but it

it was not to be paid till they had an Answer from Mr. *Corker*.

Sir *Rob. Sawyer*, That Letter you speak of was an Answer to it I suppose?

Dr. *Oates*, Yes my Lord, it was so.

Sir *Rob. Sawyer*, What do you know of the Consult, was he privy to that?

Dr. *Oates*, *I* will not be positive as to mr. *Marshals* being privy to the Consult, *I* know that he was privy to *Pickerings* undertaking to kill the King.

Sir *Rob. Sawyer*, How do you know that?

Dr. *Oates*, Because he was of *Corkers* Opinion that they had better take a Lay-man.

Mr. *Recorder*, What say you to *Rumley*?

Dr. *Oats*, He is a Benedictine Monk, or at least-wise a Lay-brother. And he was privy to this Consult in which the 6000 *l.* was agreed to be paid and given, and *I* do judge he did consent to it, for he did pray God that it might have good success, and that the Catholick Cause might once again flourish in *England*.

L. C. J. *North*, He was there then, was he not?

Dr. *Oates*, Yes he was there, but only as a Servant, a Lay-brother of that Order.

L. C. J. *North*, Why, is he professed?

Dr. *Oats*, Yes, I think he is.

L. C. J. *North*, What time was this, *Mr. Oats*?

Dr. *Oats*, In *August*.

L. C. J. *North*, Was it the former part of *August*?

Dr. *Oates*, I cannot be positive, but I think it was.

Sir *Rob. Sawyer*, Can you say any thing more against the rest of the Prisoners?

Dr. *Oates*, *I* do not recollect any thing more at present.

Mr. *Ward*, Now Gentlemen, if you please to ask him any Questions you may.

Rumley, Were you there present?

Dr. *Oates*, Yes, I was.

Rumley, Was it in the month of *August*?

Dr. *Oates*, Yes, it was.

Sir *Rob. Sawyer*, Will any of you ask him any more Questions?

Corker, He says I went in *June* to *Lampspring*, now I would ask *Mr. Oates* where *Lampspring* is?

Dr. *Oates*, We suppose it to be in *Germany*.

Corker, 'Tis almost at the furthest end of *Westphalia*, and he says that being there, I had discourse with *le Cheese* and the English *Monks* at *Paris* about this design, I would fain make sense of this if I could.

Dr. *Oates*, To satisfie *Mr. Corker*, I cannot say that he went to *Lampspring*, but only as he said himself, and they used to say they go to one place when they go to another: as *Ireland* said he went to St *Omers*, when he went into *Staffordshire*.

Corker, Where and when did I give my Consent to the design about murthering of the King, for you named the 24*th* of *April*.

Dr. *Oates*, This is that I say to the Court, that the privity that *Mr. Corker* had of the Consult of the 24*th* of *April* was that I had out of his own mouth, in which he did declare, that he did think the Jesuits had not done well to make choice of one of their Order to do that business, since he was to attend upon the Altar, but it would have been well if they had made choice of some other Lay-man to match *Grove*.

Corker, You tell me I had a Patent to be Bishop of *London*.

Dr. *Oates*, I saw it in your own hand.

Corker, Who gave me that Patent?

Dr. *Oates*, I did not enquire into that.

Cor. Did you hear me say, I accepted of it, and should be Bishop of *London*.

Dr. Oates, I heard you say this, you hoped it would not be long e're you should

exercise your Episcopal Function. (*At which the people laughed.*)

Dr. Oates, I now recollect something more. I remember *Mr. Marshal* was present when Father *Hitchcot* and Father *Howard* and *Conyers* the Bened. Monk were there present about the laying of a Wager, whether or no the King should eat any more Christmas Pies, and this Benedictine Monk *Conyers* did lay he should not, and another Gentleman lay'd that he would, and this Gentleman *Marshal* did go halves with *Conyers* that he would not.

Marshal, I desire you would tell my Lords the Judges how long you have known me, and where you have seen me?

Dr. Oates, I have seen this Gentleman several times, but had never any familiarity with him, but I have seen him officiate at the Altar.

Marshall, How long have you known me.

Dr. Oats, First and last two years, but the first time that I knew you to hear you speak, was when Father *Hitchcot* and the rest were there.

Marshall, He says, he hath known me this two years, and yet never spake to me.

Dr. Oates, I knew him by sight.

Marshall, He looked upon me as a Priest it seems, he knew me to be engaged in this business as he says, I wonder he should never converse with me.

Dr. Oats, There are a great many that I know by sight, whom I never did converse with.

L. C. J. What do you infer from that? It may be you know some of the Bench by sight that you never spake to before nor they to you.

Marshall, What day of the month was this Consult? *Dr. Oats*, It was in *August*.

Marshall, But what day of *August*?

Dr. Oates, 'Tis a great priviledge that I tell you the month. It was between the first and the middle of *August*.

L. C. J. He tells you it was the former part, but it lies in his breast whether he will or no to tell you exact the day.

Marshall, My Lord, 'tis impossible to make a defence, if Circumstances of time and place be not mentioned.

L. C. J. 'Tis fit he should answer if he can tell the time, but if he cannot we can't help it.

Marshall, But if he does not name the very day he may name the place.

L. C. J. He does name the place, it was at the Benedictine Convent.

Marshall, Why can't he as well remember the day?

Dr. Oats, If they will tell me when the Feast of the Assumption is, which is a Feast of their making, then I will give them a pretty near account when it was.

Marshall, The Feast of the Assumption is the 15th of *August*.

Dr. Oates, My Lord, it was either the day before or the day after.

Marshal, Now he hath avouched this positively.

Dr. Oates, Nay, I will not be positive.

Marshall, But you were so, that it was the day before or the day after.

Dr. Oates, I appeal to the Judges of the Court.

L. C. J. If he will say it let him, but people are not to be snapt up thus. Mr. *Oats*, you are upon your Oath, and pray answer the question that is asked by the Prisoner as positively as you can. If you can, say so, if you cannot, say so.

Dr.

Dr. Oats, My Lord, I do believe verily it was either the day before or the day after.

L. C. J. Are you sure it was? *Dr. Oats*, My Lord, I do verily believe it.

Marshall, But what accusation is it of a Thief or a Murderer upon the high-way unless you tell the time exactly?

L. C. J. You see he will not answer positively.

Marshall, Mr. *Oats*, was I at any other Consult besides this one?

Dr. Oats, Yes, you were upon the 21th day of *August*, if it fell upon a Wednesday.

Marshall, What matter is it what day it fell on?

Dr. Oats, If it were a Wednesday, then the 21th of *August* you were at a Consult when we had Letters from Arch-bishop *Talbot*, wherein we had an account of the State of *Ireland*, how the *Irish* Affairs did stand, but it did not pay an *Irish* Letters price, and therefore I suppose it came from this side of the Water, though it was directed as if it came from *Dublin*. And this was read there, and there was in it a Prayer that a Commission might be sent down, and there were some Jesuits, and some Benedictines, amongst whom *Marshall* was one, and he did give his Consent that the Commission should be sent down.

L. C. J. What Commissions were they?

Dr. Oats, For Officers in the Army that was to be raised there.

Marshall, Where was that letter read? *Dr. Oats*, At the Benedictine Convent.

Marshall, And this you say was the 21th of *August*.

L. C. J. And that was on a Wednesday as the Almanack say.

Dr. Oats, There he agreed to send the Commissions into *Ireland* for the appointing of Officers, and did consent to the poysoning of the Duke of *Ormond*.

Rumley, When was *Pickering* taken?

Dr. Oats, He was taken the night before, or *Michaelmas* day in the morning.

Rumley, Were not you there, *Mr. Oats*? *Dr. Oats*, Yes, I was.

L. C. J. Were you at all the Consults?

Dr. Oates, No, I was sick when Sir *George Wakeman* was offered the 15000 *l.* and receiv'd the five.

L. C. J. What Consults were you at?

Dr. Oats, I will answer to those Consults that these persons are affected in, there was one Consult about the beginning or middle of *August*, there was another the 21th of *August*, and then there was another Consult wherein the 5000 *l.* was paid or ordered to be paid to *Wakeman*, and I was not there.

Rumley, Who was the messenger that took *Pickering*?

Dr. Oates, I do not know him.

L. C. J. Was the Consult of Sir *George Wakeman* after the 21th. of *August*?

Dr. Oats, No my Lord.

Mr. *Ward*, Will you ask him any more questions?

Dr. Oats, My Lord, I desire I may have leave to retire, because I am not well.

L. C. J. You must stay *Dr. Oats*, till after their defence be over.

Mr. *Reader*. If you desire to have any refreshment you shall have it got for you.

Sir *Rob. Sawyer*. Then we call Mr. *Bedloe* next (who stood up.) Pray Sir, speak your knowledge concerning the Prisoners at the Bar.

Mr. Bedloe. My Lord, before I speak any thing to the Prisoners, I desire there may be a difference between the Clerks of the Council and me decided, they have mistaken

ſlak n a word in my Evidence, and put in *New-Market* for *VVindſor*.

L. C. J. What does that ſignifie to the preſent buſineſs?

Mr. *Bedloe*, *I* deſire it may not be brought againſt me in my Evidence.

L. C. J. Then 'tis only for a Caution before hand.

Mr. *Bedloe*. The latter part of the laſt Summer, it was I think about the beginning of *Auguſt* Sir *George Wakeman* was at *Harcourt's* Chamber, *I* my ſelf was there firſt, and when he came in he fetch'd a turn or two about the Room ſeeming angry and diſcontented, and asked *Harcourt* if he had any thing for him. Then *Harcourt* asked him how he did proceed? ſaid he, *I* don't know whether I ſhall or no; for what reaſon am *I* drill'd on in ſuch a Concern as this? Says *Mr. Harcourt*, ſtay Sir *George* you need not be ſo haſty to blaſſie us, for we are better provided for you than you think for. VVith that *Harcourt* went to his Cabinet and took out five or ſix Papers, and brought a ſmall Bill, and asked Sir *George Wakeman*; ſaid he, Sir *George*, how are you provided? ſaid Sir *George*, *I* have been ready long ſince, but you have not been ſo punctual with me: But what have you there? ſaid *Harcourt*, *I* have a Bill of 2000*l*. From whom, ſaid Sir *George Wakeman*? Then he named a Gentleman, but I don't know him, nor can't remember him. And ſaid he, I came now from *Whitehall*, and receiv'd it from ſuch an One, which he ſaid was by the Queen's Order, and that he had it from Her. This Bill is charged upon ſuch a Goldſmith, and named him, he dwelt ſomewhere about St. *Dunſtan's* Church, but I can't remember his name, I'le tell you by and by why I think he dwelt there. Aſſoon as Sir *Geo.* had read it, 'tis well ſaid he, if it be accepted, I find more Incouragement from my good *Lady* and Miſtriſs, than from any of you all. They had ſome little more diſcourſe, and Sir *George* asked of *Harcourt* who *I* was; ſaid he, 'tis a Friend that hath been long engaged in our buſineſs, and is to do the next great work to Yours. VVell ſaid Sir *George*, *I* will go and ſee if the Bill be accepted, and you ſhall hear of me to night; and accordingly he did go. *I* did not ſtay but a very little time after him, and therefore *I* Collect he could not go far to get the Bill accepted: for *I* did croſs Lincoln's-Inn Fields and came down a Lane by Temple-Bar, and between the Queens Head and Chancery Lane end *I* met with Sir *George Wakeman*: ſaid *I*, have you been with your Bill already, and is it accepted? yes ſaid he, 'tis accepted: and when is it to be paid? *I* am to go, ſaid he, in the Afternoon to receive it.

L.C. J. VVho ſaid ſo? mr. *Bedloe*, Sir *George Wakeman*.

L. C. J. To whom?

Mr, Bedloe To me. And ſeeing of him return from the City-ward again, I concluded it was not far off, and ſpoke to him as I tell you. Sir *George* and I were not very well acquainted, but I had known him five years, and upon that Character *Mr. Harcourt* had given of me, I thought I might make bold with him, & when I asked him and accoſted him with that ſhort Queſtion, is your Bill accepted? he made me anſwer it was, and he was to receive it in the afternoon, and thought it not fit to diſpute any thing with me.

L. C. J. You don't know what Goldſmith it was upon?

Mr. Bedloe. It muſt be one that lives about St. *Dunſtans* Church or *Fleetſtreet*, for he could not go far in that time.

L. C. J. Where was *Harcourts* Chamber?

Mr. Bedloe, *In Dukes-ſtreet* next the Arch. Now I asked *Harcourt* afterwards whether this was part of the 15000*l*. ſaid he, we have not adjuſted that matter yet, but he received

ceived this only as a preſent ſupply. And he did in a ſhort time after receive as much as made it up 5000*l.* But *I* asked whether it were for the old buſineſs, yes ſaid he, 'tis for the ſame deſign, if we ſhould fail of it by other means: (and ſo was the diſcourſe to *Sir George Wakeman.*) If we ſhould fail of it at *Windſor* then this way is to be taken, and if this fail too, we will make ſure of it at *New-market.*

L. C. J. What do you know of the other Priſoners?

Mr. Bedloe, mr. *Corker* *I* have ſeen with *Kains* and *le Fevre*, but never in their Company but once, where being in the great Court at *Somerſet*-houſe we walked out of the Court into the Piazza, and there we were ſpeaking of our buſineſs. *Kaines* was ſaying to me, You brought ſuch a letter ſuch a time for me and *I* have loſt it. *I* do not know what to do for it. Said I, do you remember the Contents of it? Yes, ſaid he I do. Said I, you ſhould take ſuch *Letters* in ſuch a Character as none could read but your ſelf, and then burn the *Letters* themſelves. Said he, *I* hope it will not come to light, for none will meddle with my papers that can do me any hurt. *I* heard nothing from *Mr. Corker* that did relate poſitively to the murder of the King, but *Corker* and *le Fevre* were ſpeaking in general about the buſineſs, what *Letters* they had received from beyond Sea how to manage their affairs.

L. C. J. About what matter?

Mr. Bedloe, About the Plot, what *Letters* they had received from beyond Sea, and how forward they were in their proceedings here.

Corker, What did we talk about?

L. C. J. What was it about ſtill?

Mr. Bedloe, *It* was about raiſing the Army, and what *Intereſt* he had with the People, *It* was in general, *I* come not to particulars.

Corker, Did *Kaines* or *I*, or any of us name any ſuch thing as Plot, deſign, or the like?

Mr. Bedloe, We were diſcourſing of the Buſineſs in general, I don't take upon me to ſpeak to particulars.

L. C. J. What was it about, ſay you?

Mr. Bedloe. About raiſing an Army, what *Intereſt* he had in the people, who had been ſent into the Countrey, what they had done, and the like.

Corker, Did you hear any word of killing, Army, or deſign?

Mr. Bedloe, Yes, every one of thoſe words were uſed. *I* don't take upon me to tell how the words were placed.

Mr. Ward. What ſay you to the reſt?

L. C. J. When was this diſcourſe? *Mr. Bedloe*, *July* was twelvemonth.

Mr. Ward. What ſay you to mr. *Marſhal*?

Mr. Bedloe, *Mr. Marſhal* hath reaſon to know me, and *I* ſuppoſe will not pretend to the contrary, for he cannot but remember that I knew him when I went to the *Gate-houſe*. He hath carryed ſeveral *Letters* that have been brought from beyond Sea, and others that have been writ in *England* into the Countrey, and I have been with him in *Latham's* Chamber in the *Savoy*, and *Somerſet-houſe*, ſo long ſince as *Latham* was one of the Queens Monks. He hath carryed the ſame Letters that I have brought from beyond the ſea, three or four, or more at a time to communicate to the Countrey gentlemen of the Catholick party, that were Aſſiſtants to us, particularly to Sir *Francis Radcliff* & others *I* am ſure he hath carryed, and he knew what was the effect of thoſe Letters, and what were the Anſwers to them, he read them as well as any of them, for I think

he is of the same Order to the best of my knowledg, though *I* never saw him in his habit.

L. C. J. What was the import of the Letters?

Mr. Bedloe, I never brought any one Letter to the Religious Fathers, and *I* have brought a great many, but what did import what I have now given in Evidence, and did relate to the full substance of what *I* say now.

Sir *Ro: Sawyer*. Can you mention the particulars of any one Letter that he knew the Contents of?

Mr. *Bedloe*. *I* do mention one which I very well remembet and that was to *Sir Francis Radcliff*, and I remember it though it be long since because I was well acquainted with *Sir Francis Radcliffs* Son, and I brought Comendations from his son to *England*.

Sir Robert Sawyer, Well Sir, what was the contents of that letter?

Mr. *Bedloe*, It was a copy of the letter from *le Cheese* in *Paris* to the *Monks* & Jesuits in *England* in answer to the first letters that I brought over to them relating to the management of the design.

Lord Ch. Just. Was it mentione. in that letter what the design was?

Mr. *Bedloe*, In that which I carried over to *le Cheese*, it was, that all things were in readiness, and the time now drawing near for they did hope in a year or two, or in a little time they should be in a capacity to put this in practice, and they did not question but to subvert the oppression and Tyranny the Catholicks were under in *England*.

Sir Robert Sawyer, Was mr. *Marshal* acquainted with the contents?

Mr. *Bedloe*, He was one of them that use to examine the answers. It was written to him partly, for if he were not a member of their Order, as I think he is, he was one of the club & consult that saw the contents of all letters. *I* have not seen him so often as I have done the others, but I believe he hath been there as often, but he hath received to my remembrance twice letters to communicate into the country concerning the subversion of the Government, and the introducing of Popery.

Mr. Ward, What say you to mr. *Rumly*?

Mr. Bedloe, I cannot be positive as to my own knowledg, but what mr. *Harcourt* has said.

L. C. J. Do you know any thing of your own knowledg by him?

Mr. Bedloe, I have been told he hath communicated letters of this business into the country. And that he was one employed when any secret letters were sent.

L. C. J. So you cannot declare upon your Oath that you know that mr. *Rumley* knew the contents of any letter relating to the Plot.

Mr. *Bedloe*, No my Lord, I do not. I have a good remembrance of faces, but I do not remember his.

Sir *George Wakeman*, What day was it that I had the discourse with *Harcourt*, and received the Bill from him as you say?

Mr. Bedloe, You ask me a question as if I were in the state I was formerly in, when *I* might have an indulgence for telling a lye. No I have no delight to damn my Soul, to make you a Martyr, but to satisfie you as well as I can, I say, it was the beginning of *August*, or part of the beginning, I do not speak to a day.

Sir *George Wakeman*, How do you know it was a Bill of Exchange for this money?

Mr. *Bedlow*. You did read it aloud.

Sir *George Wakeman*, Had I any acquaintance with you?

Mr,

Mr. Bedloe, No, But mr. Harcourt told you who I was.

Sir George Wakeman, And would I upon the first sight of a man discover to him what would endanger my life?

Mr. Bedlow, Ay, and an hundred times more, if mr. Harcourt, did but tell you I was his confident.

L. C. J. What were the contents of that note?

Mr. Bedloe, I was directed to a Goldsmith, whose name I tell you I cannot remember.

Sir George Wakeman, You are good at remembring some sir-names, why can't you remember this name as well?

Mr. Bedloe, I can remember names that do relate to any business, but only hearing this name by the by, I cannot remember it, for I did not then think it of such consequence.

Sir George Wakeman, You do not know me? Mr. Bedlow, Yes I do.

Sir George Wakeman, I call God to witness I never saw you before in my life that I know of. You have a very remarkable face, and if a man had once seen you he must know you again.

L. C. J. Who subscribed that Note?

Mr. Bedloe, I don't know, it was one of the Queens Gentlemen that Harcourt had it from. And whereas Sir George Wakeman sayes he does not know me, I did take physick of him at the Bath?

Sir George Wakeman, When was I at the Bath.

Mr. Bedloe, It is some years since.

Sir G. Wakeman, I never was there but once, and that was a year and an half ago.

Mr. Bedloe, No sir, it is more than that, for you were there when the Queens was there.

Lord Ch. Just. How long is it ago that you were there Sir George?

Sir George Wakeman, It was about two years ago.

Mr. Bedloe, It is three years this Summer.

L. C. J. Then that is well enough, for that is some years since.

Mr. Bedloe, I had acquaintance enough with him while he was there.

Sir G. Wakeman, I say this, my Lord, if I had been acquainted with mr. Bedlow, I should have known him to be a great Rogue, which is but what he hath said of himself, and then I should not have thought it fit to have trusted such an one with such a great secret as this.

L. C. J. It may be he calls himself great Rogue for that which you would have applauded him for, and canonized him too. It may be some think he was a Rogue for, going so far as he did; but perhaps you are of another opinion.

Mr. Bedloe, My Lord, I could not count my self an honest man, that had consented to the death of the King and Sir Edmundbury Godfrey.

Sir G. Wakeman, But though he gives you an account of such a Bill delivered to me, yet neither he tells you the time, nor mentions the man upon whom it was drawn: Here are all the marks of falshood that can possibly be.

L. C. J. No, he does not mention the man upon whom it was drawn, nor from whom; nor can he say that ever you received it, but you were to receive it.

Sir G. Wakeman, How came he to omit that? but because I should have no plea for my self when I came to be accused of it.

Mr.

Mr. *Bedloe*, Pray Sir *George* don't preſs me to ſay more than I know. I do tell you all that I can ſay of my ſelf.

Mr. *Recorder*, Have you any more queſtions to ask him?

Marſhall, I ask you this queſtion; Firſt, Why will you damn your ſoul to ſend me to Heaven? Lay your hand upon your heart, and in the preſence of God declare whether ever you ſaw me in your life, before you came to the Gatehouſe? Whether ever you ſaw me in any part of the world whatſoever? And whereas you ſay now that I owned that I knew you there; it was ſo far from it, that all the company that were there, will ſay that you did not know me, and declared your ſelf a ſtranger to me.

Mr. Bedloe, No, Sir, pardon me; you did not deny but that you had ſeen my face.

Marſhall. No, all the company that were there will ſay that you owned your ſelf a ſtranger to me, you told me mr. Marſhal, *Be not afraid, I will do you no hurt.* But mr. *Bedloe*, where have you ſeen me?

Mr. *Bedloe*, At the *Benedictines* Convent in the *Savoy*. And my Lord, the firſt word that I ſaid, when I ſaw him, was, that this mans name is *Marſhall*, and he carried ſuch & ſuch letters into the countrey, and Sir *William Waller* can teſtifie the ſame.

(*VVho ſtanding upon the Bench was ſworn*,)

Mr. *Recorder*, mr. *Marſhall*, you had beſt to hearken to what Sir *VVilliam Waller* ſays.

Sir *William Waller*. My Lord, I went to the priſon to ſee mr. *Maſhall*, and mr. *Bedloe* was there with me, mr. *Bedloe* asked him if he did not know him, and called him by his name; he declared he had ſeen him before, but ſaid he did not know him.

L. C. J. Did he call him by his Name as if he knew him?

Sir *William VValler*. Yes, my Lord he did.

L. C. J. Look you, mr. *Marſhal*, he ſayes that you your ſelf owned that you had ſeen him before, though you were not of his acquaintance.

Marſhall. What Sir *William Waller* ſays, I muſt oppoſe, though I am extremely ſorry ſo to do. Sir *William*, you may pleaſe to remember, that you came to me after mr. *Bedloe* was gone.

Sir *William Waller*. No, I was there with you before he came in.

Marſhall, I believe thoſe of the Gatehouſe do remember that I ſpoke with mr. *Bedloe* in private in an interior Room; what you ſpoke was in the open Hall there. You asked me whether mr. *Bedloe* had not been there? I told you yes that was in the publick place; whereas mr. *Bedloe* talked with me only in a private Room.

Sir *William Waller*. My Lord, what I have ſaid is upon my Oath, and 'tis nothing but the truth.

Marſhall. And I am upon my life, therefore I am very ſorry I muſt for the truth ſake, and defence of my life contradict what you ſay. What your worſhip and I ſpoke was in the publick Room; but what diſcourſe mr. *Bedloe* and I had, was in another private Room.

L. C. J. Look you, Sir *William Waller*, was you there when mr. *Bedloe* was with him?

Sir *William VValler*, I was my Lord. L. C. J. VVhere?

Sir *VVilliam VValler*, In the common Room.

L. C. J. VVhat did he ſay concerning mr. *Bedloe* in the common Room?

Sir *VVilliam VValler*. Mr. *Bedloe* called him by his name, and asked if he knew him? he ſaid he had ſeen his face, but did not know him.

L. C. J. Do you hear that mr. *Marſhall*?

Marſhall, Truly, my Lord, it goes againſt my heart to ſpeak any thing in oppoſition

to what Sir *William Waller* says, for I would not for all the world reflect or say any thing that should glance upon Sir *William Waller*, as if he had taken a false Oath, but all in the *Gatehouse*. Nay Mr *Bedloe* himself knows that he had discourse with me in a private Room before Sir *William Waller* came.

L. C. J. Mr. *Bedloe* speak your self; was Sir *William Waller* there, when you came to the Gatehouse?

Mr. *Bedloe*, My Lord, I had an Order from the Council-Board to go and see the prisoner, there was no body that told me his name, nor that I knew, knew it; but I would not do it, I was so cautious, but in the hearing and company of a Justice of Peace, and therefore I went away before they had called him down, and I went to see if the House of Commons were sittings and when I came back, Sir W. *Waller* was just coming thither, and so I went in with him, for *I* met him at the bottom of the Stairs. We came into the common Room, and there was Mr. *Marshall* with the Keeper, and I was in no other Room, but the common Room. And Sir W. *Waller* withdrew to the end of the Room while I asked him some Questions; and pray will you please to ask Sir W. *Waller* whether I did not call him by his name as soon as I saw him?

Sir *W. Waller*. Yes, my Lord, he did: He asked him if his name was not *Marshal*? and whether he did not know him? And he said he had seen his face, but had no acquaintance with him.

Marshall, Were not you with me first in that Room which turns in on the right hand from the common Room?

Mr. *Bedloe*, I do not know any such Room in the *Gatehouse*.

Marshall. There were your Guards, Mr. *Bedloe*, and there were several others in the *Gate-house*; they cannot but remember what Room I was brought into. They cannot possibly but remember, that when Sir *William Waller* came to me, he asked me whether Mr. *Bedloe*, had been with me.

L. C. J. Look you, Gentlemen, they have done, call what Witnesses you will, and make your defence as well as you can.

Marshall, my Lord, I did not think or imagine any such thing would be spoke of; or that there would need any attestation for it.

Lord Ch. Just. Look you, they have done; we will hear what your Witnesses will say, as long as you will.

Marshall, my Lord, Mr. *Bedloe* seem'd a perfect stranger to me when he came to the *Gate-house*; and to encourage me, told me Mr. Marshall (says he) *do not fear, I will do you no hurt at all. Did not you send* (saith he) *to such an one, to have* Mr Bedloe *questioned about such and such things*? Which I denied, and he did not seem by any word that he spoke, to have seen me before in his life.

L. C. J. He told Sir *W. Waller* your name was *Marshall*, though you went by a wrong name, the name of *Marsh*.

Marshall. He might easily know my name by those that took me.

L. C. J. But I tell you, you went by a wrong name then, *Marsh*.

Marshall, my Lord, I am called promiscuously *Marsh* and *Marshall*. But *Marshall* is the name I own.

L. C. J. And that is the name he knew you by.

Marshall, I did not call my self *Marsh* when *I* was taken, but told my true name.

Mr. *Bedloe*, my Lord, I did not hear of any name at all, but I said, This is *Marshall*,

one of the *Benedictine Monks*. as soon as *I* came in:

Marshall, mr. *Bedloe* seem'd to encourage me to hope, and bid me not fear; said he, You will have an Honourable Bench, and a good Jury. And this they that were there, can testifie,

Lord Ch. Just. Call them: call your VVitnesses.

Marshall, But, my Lord, I did not know any thing of this. And Sir *W. Waller*'s question that he asked me was, if Mr. *Bedloe* was with me.

L. C. J. You hear what he sayes.

Marshall, I am infinite loth to say it, because he swears it; and you well know, *Mr. Bedloe*, you talked with your Guards a while, and then turned at last to me.

Mr. *Bedloe*, Yes, *I* did talk with my Guards, but Sir *W. VValler* was in the room as well as I.

L. C. J. By what name were you committed?

Marshall, I had Letters about me writ to me by that name; and I thought it my duty to answer to that name that the Letters did call me by.

L. C. J. VVell, have you any witnesses?

Marshall, This is a surprize, *I* did not know of any such thing.

L. C. J. Have you any witnesses, Sir *G. VVakeman*?

Sir *G. VVakeman*, Yes, my Lord, I have several.

Marshall, But mr. *Bedloe*, can you say you have seen me any where before you saw me at the Gatehouse?

Mr. *Bedloe*, Yes.

Mr. *Bedloe*, At the *Savoy*.

Marshall, VVhere?

Marshall, And any where else?

Mr. *Bedloe*, Yes and at other places.

Marshall, Name one other place in the whole world, and I will be contented to dye.

Mr. *Bedloe*, I will tell you why I cannot name any other place positively. I did carry the Letters thither: there were the consults about them, and there *I* used to converse with you most.

Marshall, can you prove that ever you were in the *Savoy* in your life? and I will be hanged without any thing more to do. If you can prove it either by man, woman, or child, I will go to the Gallows, and will not say one word more.

Mr. *Bedloe*, my Lord, I have other witnesses, but at present I cannot produce them: there are some in *Kent*, they are some of them in one Countrey, and some in another, *I* reserve them for another time, but there is Oath made of it before the Secret Committees of the Lords and Commons.

L. C. J. How can he imagine that this should be put upon him? therefore you may well believe that he hath never a VVitness present. It may be he hath none can prove he ever was at *VVestminster Hall* in his life, for who could imagine such a Question should be put to him?

Marshall, Having been there several times, *I* suppose he did not use to go alone; 'tis impossible, but if they had been with him often there, he might prove it; if he say true, sure some should attest it.

L. C. J. 'Tis likely it should be so, but he hath them not here.

Mr. J. Pemberton, why, do you think he can bring VVitnesses for every Act that he did in his life?

Marshall, *I* he have them not here, let him have time to produce them.

L. C. J.

Lord Ch. Just. He hath a *Witness* in *Kent*, would you have us keep up the Jury till he sends for his witness out of *Kent*?

Mr. Bedloe, There is my Landlord, at whose house *I* lay so long, can testifie it.

Marshall, Who is that?

Mr. Bedloe, mr. *Cott* a Beltmaker in the *New Exchange*: He hath gone often with me when I have gone into the Convent, and he hath gone round about, and his maid that used to carry the Portmantle, wherein *I* brought over the Letters from beyond Sea.

L. C. J. Can you name any one body that ever see you in the *Savoy*?

Mr. Bedloe, I do name one, and besides; my Lord, I lay in the *Savoy* half a year at one *Woodroffs*. *Marshall*. Was that the place you saw me in?

Mr. Bedloe, No, no body came there but *Monks* and messengers.

Marshall, Was you there at the time when the *Savoy* was searched?

Mr. *Bedloe*, No, but *I* gave Sir *W. Waller* directions to search in the most material places of it.

Mr. *Recorder*, He says a material thing, if he be in the right, that he did give directions to Sir *W. Waller* to search in the most material places of the *Savoy*. We will ask that Question of Sir *William* whether he did or no?

Sir *W. Waller*, Both Mr. *Oates* and Mr. *Bedloe* did give me directions to search in the *Savoy*; they told me of such a particular Room where *Pickering* lay, and where such a Closet was, & many other things; and it was by their directions that I made the search.

L. C. J. Look you what Sir W. Waller says; He says that both Mr. *Oates* and Mr. *Bedloe* did describe several Rooms to him in the *Savoy*, which it was impossible for them to make such a description, if they had not been there before.

Marshall, I desire to know when that discription was given?

Sir W. Waller, Two or three days before I took Mr. *Marshall*.

Marshall, Mr. *Oates* made searches there before.

L. C. J. But we speak of *Bedloe* now.

Marshall But Mr. *Bedloe* might have knowledg from him and others that were there.

L C. J. Do you think he must needs go officiously to inform *Bedloe* of what he found upon an imagination that such a Question should fall out hereon? And if he received no information, how then could he describe the Rooms without he knew them?

Marshall, May there not be several Houses that *I* may give a discription of, upon the hearsay of others, though *I* were never in them my self?

Lord Ch. Just. No, I know not very well how; and there is no reason you should imagine he received information from *Oates*.

Marshall, my Lord, there is reason enough, because both do combine in the same accusation.

Mr. *Bedloe*, My Lord, *I* gave Sir W. *Waller* directions to search in such a place, under such a Bench in *Pickerings* Apartment, where he found the Gun that was to kill the King.

L. C. J. Well, call your witnesses, Sir *George*. Sir *G. Wakeman*, Call Mr. *Chapman*.

L. C. J. But before they begin, Sir *Robert Sawyer*, we must do all the right to every one we can; *I* do not find by the strictest observation that *I* have made, that *Mr. Bedloe*, who is the second witness, does say any great thing, any material thing against any one of them; but as for *Rumley*, he says nothing at all. He says in effect, against Sir *George Wakeman*, no more than this, That he saw *Harcourt* give him a Note for

2000*l.* which he ſaid was from the Queen; upon which Sir *George* ſaid he was more beholden to his good Lady and Miſtreſs, than to any of them all. The Note he does not know who drew it, nor upon whom it was drawn; nor does he ſay what it was for, more than *Harcourt* told him, which was in doubtful words, That it was about the old buſineſs; but *Harcourt* did not tell him this in the preſence of Sir *George Wakeman*, but he ſpoke to *Harcourt* about it. It is no more, than Sir *George Wakeman* received from *Harcourt* the Bill of Exchange, he does not know upon whom, nor for what.

Sir *Rob. Sawyer*, My Lord, he ſays more, with ſubmiſſion; for he ſays this further, That there was a diſcourſe about the buſineſs; and he did tell you, That Sir *George Wakeman* ſhould complain that they had not done well with him, and asked why he was drill'd on; but when the Note was produced, he ſaid, My matters are already prepared, but you are not ſo ready to perform your promiſes. Then ſaid *Harcourt*, If you are ready for us, we are ready for you; and told him, If he did not do it, they would do it at *New-market*.

L. C. J. What is all this? Pray Mr. *Bedloe* ſtand up again. We are now in the caſe of mens lives, and pray have a care that you ſay no more than what is true upon any man whatever. I would be loth to keep out Popery by that way they would bring it in, that is by Blood or Violence. I would have all things go very fair. Pray what, upon your Oath, was the firſt part of Sir *George Wakemans* diſcourſe with *Harcourt* when they met?

L. C. J. *North*, Relate again your whole knowledge concerning Sir *George Wakeman*, and the Bill of Exchange, and the diſcourſe after it, becauſe we are now upon the conſideration of it, what effect it will have upon him.

Mr. *Bedloe*, My Lord, I was with *Harcourt* in the Chamber, and Sir *George Wakeman* came in, and walked a turn or two about the Room, and ſeemed to be diſcontented. How do you, Sir *George*, ſaid *Harcourt*? Says Sir *George*, For what am I drill'd on thus in a concern of this importance? What is the matter with you, Sir *George*, ſaid *Harcourt*? Why, is this a buſineſs to be ſlighted, ſaid Sir *George*, as I am? for I have no performance of your promiſes. Why, ſaid *Harcourt*, what would you have? We are ready for you. Then ſaid he, I am ready for you. And then *Harcourt* ſpoke merrily to him, Why are you ſo angry, Sir *George*? And upon that he goes to his Cabinet and ſearching among his Bags, he found a little Note among them, and gave it to Sir *George*; ſaith he, There is a Bill for you: I have been to day at *Whiteball*, and received it by the Queens Order, from ſuch a Gentleman [whoſe name I cannot now remember]; and 'tis upon ſuch a man for 2000*l.* [But I cannot remember the Goldſmiths name neither]. Well, ſaid Sir *George*, 'tis well ſome body gives me encouragement; I have more encouragement from my good Lady and Miſtreſs, than from any of you. Nay, ſaid *Harcourt*, for encouragement, that you ſhall not want; for the reſt ſhall be paid in due time.

Sir *George Wakeman*, If the Queen had given me 2000*l.* for the ſervice I had done her, was that any harm? I have deſerved it, I am ſure, for nine years ſervice.

Sir *Rob. Sawyer*, What other diſcourſe had they then?

Mr. *Bedloe*, Said *Harcourt*, But Sir *George*, this muſt be well followed, and cloſely obſerved, becauſe ſo much depends upon it; *For if we ſhould miſs to kill him at* Windſor, *or you miſs in your way, we will do it at* New-market.

L. C. J. Who ſaid ſo? Mr. *Bedloe*, *Harcourt*,

L. C. J. Did *Harcourt* say before Sir *George's* face, *If we miss killing him at* Windsor, *and you miss your way, we will do it at* New-market.

Mr. *Bedloe*, Yes, he did say, *If we miss killing him at* Windsor, *and you miss in your way (which we hope you will not) we will do it at* New-market.

L. C. J. He says now quite another thing than he said before.

L. C. J. *North*,
Mr. *Recorder*,
Sir *R. Sawyer*,
} No, He said the same before.

L. C. J. What Answer made Sir *George Wakeman*?

Mr. *Bedloe*, Sir *George Wakeman* said, If I find you ready, I will be ready in all things.

L. C. J. Was the word spoke of *POYSONING*?

Mr. *Bedloe*, *I* have spoken that already. *If we miss at* Windsor, *and you miss in your way*; *I* do not remember whether the word *Poyson* was used; but *I* knew by what Mr. *Harcourt* and others had told me, that *Poyson* was meant by it.

L. C. J. Was all this one intire discourse? Mr. *Bedloe*, Yes, my Lord.

Then Sir George *said privately to his fellow-prisoners*, **There is my business done.**

Sir *Rob. Sawyer*, Here is a positive proof of the Receipt of money, which coupled with what *Oats* says, and the discourse that Mr. *Bedloe* tells you of, makes it out what it was for. This was paid in part, was it not, Sir?

Mr. *Bedloe*, The Answer that Mr. *Harcourt* gave to Sir *George*, was, that he should have the rest in due time.

L. C. J. But what say you to *Marshall*, but that he carried Letters?

Sir *George Wakeman*, Was there no body present but you?

Mr. *Bedloe*, There was only *Harcourt*, you and I.

L. C. J. But what say you to *Corker*?

Mr. *Bedloe*, *Corker* hath been in the Company with *Le Faire*, talking of News, what encouragment they had by letters from beyond sea, as those they had from *France*; such and such letters speak that they are in readiness of money, men and arms; and if we are ready here, they are ready for us. This was usually the discourse and all upon the same design. Now when we talked of this business, we did not say the word *PLOT*, but we all know what was intended by it, that is the Plot.

L. C. J. And what said *Corker*?

Mr. *Bedloe*, He said it was well, He did know what readiness such and such persons were in when the Design was likely to take effect. I know not their Names; we were talking of several persons several times, some in *England*, and some beyond sea.

L. C. J. What can you say to *Marshal*?

Mr. *Bedloe*, I do say, that he hath been to consult of the return of letters which were the Answers to those I brought from beyond sea.

L. C. J. Did he know the Contents of those Letters?

Mr. *Bedloe*, Yes, my Lord, he hath been in Consultation what Answer to make again.

L. C. J. And was all this about the Plot?

Mr. *Bedloe*, Yes, for the subverting the Protestant Religion, and bringing in Popery, and raising of an Army.

Mar-

Marshall, Can you prove I knew any of those Gentlemen the Letters were carried to?

Mr. *Bedloe*, I name one, that was to Sir *Francis Radcliff*.

Marsh, How does he know that I know Sir *Francis Radcliff*?

L. C. J. Well Sir *George*, will you call your Witnesses?

Sir *George Wakeman*, Call Mr. *Chapman*, (which was done.) My Lord there was a Letter or Note of Directions from me to mr. *Ashby*, and 'tis affirmed by master *Oates*, that in that letter I should let master *Ashby* know I did approve well of the Proposals that were made to me to poyson the King, and that the Queen would assist me in it, and that in the same letter there were directions given what he should take, and how many strokes of the Pump he should make use of, and several other things fit for a Physician to direct his Patient in. Now, my Lord, I will prove by this Gentleman master *Chapman*, who is Mayor of *Bath*, that he received this very Note from master *Ashby*, that he read it from the beginning to the end of it; that there was no word in it, or mention of the King or Queen in the whole letter, unless it be of the King or Queens *Bath*. And, my Lord, I think he hath a piece of this letter still, that part that was the Physical part he tore off, and kept himself: Now 'tis none of my hand, I never writ a letter to *Ashby* upon any occasion whatsoever; and I will tell your Lordship how it came to pass, I did not write that letter, I hope by a Providence, for I never but used to write my Physical Directions with my own hand. It happened that I came home late, and I was very ill; *Ashby* sent to me for his Note, because he was to go out of Town the next morning; being weary and indisposed, I laid me down on the Couch, and sent for my man, who is an Apothecary now, and is the better able to write such a letter; I dictated the letter to him, all my Family, and all that were by, can testifie the same; he knows very well my hand and hath part of it to produce; for when the Queen was there, *I* made use of him for my Apothecary, and those Physical directions *I* sent down for the *Bath*, *I* sent always to him. He is a very good witness as to my hand.

L. C. J. But you may speak of one Letter, and mr. *Oates* of another.

Sir *G. Wakeman*. Why, did I write two letters of directions? what need that? he says he saw a letter with my name subscribed to it.

L. C. J. Yes, it Was so, and that you should be assisted by the Queen to poyson the King; and being asked how he did know that was your hand? he said, I did not see him write, but I saw him in the posture of writing; and when he went away, there was left on the Table, and the Ink was not dry, a Physical Bill, which was the same hand with that the letter was.

Sir *George Wakeman*. Ay, my Lord, but he does not call that a letter but it was a Physical Bill, and not a letter; so that there was but one letter.

L. C. J. But there was a note of Physical directions in the letter.

Dr. *Oates*, That letter was at least half a sheet of a side, close written, wherein, were those passages that I mentioned; but *I* cannot give an account of all contained in it, but this my Lord I remember, that he should take a pint of Milk in the morning, and a pint of milk in the evening, and should have so many strokes at the Bath; but this was several days before *Ashby* went to the *Bath*, I believe at least ten. Presently after, he came to Town: And I say, that this letter that the Court asks me how I prove it to be his hand, I prove it thus: I saw him write a Bill to an Apothecary for mr. *Ashby* to take something when he was in Town.

L.

L. C. J. But was that buſineſs of being aſſiſted to kill the King in the ſame letter that the Phyſical Directions were in?

Dr. Oates, Yes, my Lord. Sir G. *Wakeman*, Then 'tis the ſame letter.

L. C. J. How does that follow? might there not be two?

Sir G. *Wakeman*. There is only that part of it which is the Phyſical preſcriptions, he hath torn off the other part.

Then Mr. *Chapman* was Examined.

Mr. *Chapman*, my Lord, the 17th. of *July* laſt mr. *Thimbleby* came to the Bath.

Lord Ch. Juſt, Who?

Mr. *Chapman*, mr. *Thimbleby*; a man of a about forſcore years of age, a very feeble and infirm man, Aſſoon as he came to me, he told me that Sir *G. Wakeman* recommended me to him, and deſired me that I would provide a Lodging for him as near the King and Queens Bath as I could: I did ſo; and then he ſhewed me a letter from Sir *George*, whereof this was the lower part of half a ſheet of Paper; there was full directions how to take the Phyſick, and after the taking the Bolus to drink the waters ſo many days, and then to uſe the Bath, and after that the pump, and after that he was to take a Doſe of Pills after his Bathing. *I* took off this Latin Bill that concerns me my Lord and gave him the Engliſh part.

L. C. J. Did you read the Engliſh part?

Mr. *Chapman*, my Lord, my Son did read it as well as I, who ſhould have come up and teſtified the ſame, but that it is impoſſible for both my Son and me to leave the Shop and come together, becauſe of my Employment.

L. C. J. But in that letter there was nothing mentioned of killing the King was there? nor of the Queen?

Mr. *Chapman*. No, my Lord, not upon the word of a Chriſtian, except it were the King and Queen's Bath.

Then the paper was ſhewn him.

L. C. J. Whoſe hand is that? Do you believe it is Sir *George*'s hand?

Mr. *Chapman*, No, my Lord: I have brought ſome of Sir G. *Wakeman*, Bills here.

Lord Ch. Juſt, Do you know whoſe hand it is? Mr. *Chapman*, No my Lord,

Mr. *Juſt. Atkyns*, What Name was ſubſcribed to that letter.

Mr. *Chapman*, There is none ſubſcribed to this paper.

Lord Ch. Juſt, Was there no name to it?

Mr. *Chapman*, I did not take notice of that.

Lord Ch. Juſt. But look you, this cannot be that letter, becauſe that letter mr *Oates* ſpeaks of was of Sir *George*'s own hand, as he thinks by compariſon, and his name ſubſcribed to it.

Sir *G. Wakeman*. I never writ any other letter, but what was dictated to my man, and ſent by *Aſhby* to the Bath. My Lord, he hath owned it himſelf before the Houſe of Lords that I writ but one letter, and I had my libertty before. Now it was told him there, that if he had mentioned that letter when I was examined before the Council, I had been certainly taken into Cuſtody then, and ſhou'd never have had my liberty ſo long. I had my liberty from the laſt of *September*, and could have gone to *Continent*-le in the time I had my liberty, and certainly I ſhould have provided for my ſelf if I known my ſelf guilty, ſeeing ſo many caſt into priſon upon that account.

Mr. *Recorder*, 'Tis not probable that Mr. *Aſhby* would communicate ſuch a letter to this Gentleman that had ſuch a deſign in it.

Sir G. *Wakeman*, But if any one can let him prove that I had any other busines with him, than meerly the busines of a Physician with his Patient, My Lord, I have a physician in Town that will testifie that *I* was to meet him in consultations about *Ashby*.

L. C. J. The answer is no more than this, that you did write a letter, or there was a letter writ by your directions, to *Ashby*, which hath not any such matter in it as *Oates* speaks of, but this answers not mr. *Oates*'s testimony; 'tis true, the Question will be upon mr. *Oates*'s credit, how far the Jury will believe him: If mr. *Oates* swear true, then you did write another Letter; and this is not the Letter, and there is no contradiction in your answer to what he says, but mr. *Oates* stands with the Jury how far they will believe him.

Sir G. *Wakeman*. Gentlemen of the Jury, take notice I never writ any letter but that.

Lord Ch. Just. How dos that appear? If mr. *Oates* swears true, you did write another Letter.

Mr. Just. Atkyns, mr. *Chapman*, was there any mention of milk in that letter.

Mr. Chapman. No my Lord, it is ridiculous to drink milk with the Waters, it will make it curdle.

Dr. *Oates*, That is not the hand the letter I saw was in.

Lord Ch. Just. He says 'tis not the same hand.

Dr. *Oates*, It was another, a gentile hand.

Mr. *Just. Pemberton*, And there was no mention made of milk in it, the Contents are not the same.

Sir *George Wakeman*, The Contents were the same: but as for the milk it is so ridiculous a thing, that never a Physician in *England*, but will say 'tis perfect poyson. I appeal to mr. *Chapman*, who hath so long known the way there used, if any one prescribed milk to any one that took the Waters.

L. C. J. Mr. *Oats*, was there in the letter you saw, where mention is made of the strokes that were to be received from the Pump, any mention of the milk to be taken?

Dr. *Oats*, The direction of the milk was for the time he staid in Town.

Mr. Just. Atkins. The milk was to be used while he stayed here, was it?

Dr. *Oates*, Yes, my Lord.

L. C. J. Look you, there were two things that he should do, the one of them was to be done while he was here, that was the milk; the other was to be done when at the *Bath*, and that was the strokes.

Sir *George Wakeman*. No, 'tis no such thing; for he went away two days after that letter was written.

Mr. *Just. Pemberton*, Mr. *Chapman*, is this part of the body of the letter?

Mr. *Chapman*, Yes, my Lord, upon the word of a Christian, I tore it off my self.

Mr. *Just*, *Ellys*, If Dr. *Oates* swears true, it cannot be the same letter.

L. C. J. Your answer to it, which should make it improbable, is, That it is ridiculous to prescribe milk, Now he says those were Directions what he was to do before he went to the Bath.

Sir G. *Wakeman*. Why should I repeat the number of the strokes twice, and write two letters about one thing?

Mr. *Just. Pemberton*, Is there any date upon the Letter? Mr. *Chapman*, No.

Mr. Just. Pemberton. Off of what part of the Letter did you tear it?

Mr

Mr. *Chapman*, Off the bottom of it.

Lord. Ch. Juſt. North, What, it was writ croſs was it?

Mr. *Chapman*, Yes, I believe ſo.

Mr. Juſt. Atkyns, The truth of it is, this is no Evidence, and ought not to be offerd as ſuch, for 'tis but part of a thing which we do not know what it was in the whole.

Mr. *Chapman*, I can give it upon my Oath, that there was nothing in it of the King or Queen, except the King or Queens Bath.

L. C. J. Mr. *Oates*, if I remember right, you ſay the directions that you ſaw were at the beginning of the letter.

Dr. *Oates*, He was very weak when he came to Town, and his directions to him then were, That he ſhould take a pint of milk in the morning, and that when he went to the Bath he ſhould have a hundred ſtrokes, or thereabouts.

L. C. J. Was this in the beginning of the letter?

Dr. *Oates*, It was after a line or two that was Complements.

Lord Ch. Juſt. Was there any receipt for Phyſick in Latin in it?

Dr. Oates, No, my Lord, there was not; no, my Lord, it was half a ſheet of paper; it was full of it ſelf to the bottom; this is not the Letter, my Lord.

Mr. *Juſt. Pemberton*, He ſays this is neither the hand, nor the name ſubſcribed, nor the Contents of the letter, all theſe differ.

Sir *George Wakeman*, I'll tell you the reaſon why my name was not ſubſcribed, I was ſick, my man is here to witneſs that he carryed it himſelf, and delivered it to *Aſhby*.

Mr. *Juſt. Pemberton*. But, Sir *George*, you do not obſerve that to the letter which he ſaw your name was ſubſcribed.

Sir *George Wakeman*, This then is that *I* deſire may be taken notice of, 'tis not probable that I ſhould write two letters for the ſame thing, and I never writ any other letter in my life.

L. C. J. This is that you ſay, and let it be taken notice of, that it is not probable that you ſhould write two letters for the ſame directions how he might uſe the Bath.

Mr. *Juſt. Pemberton*, This might be writ to ſerve a turn very well.

Sir *George Wakeman*, Then I'll tell you the reaſon why my name is not to it, and ſo ſatisfie you about it as much as *I* can; I was very ill after I had dictated that letter to him, and went immediately to Bed. It was not writ very fair, or ſomething was left out which he interlined, and ſo he tranſcribed it again in his own chamber, and *I* was then aſleep, and ſo did not put my name to it, and he went away two hours in the morning before I awoke.

Mr. Juſt. Atkyns, Who wrote the letter? Was the letter you tore off in the man's name, or in Sir *George*'s name?

Mr. *Chapman*, I know not who wrote it.

Mr *Juſt. Atkyns*, Was it ſaid to be, by my maſter's directions? what were the contents of the letter?

Mr. *Chap.* It was only thus, *As ſoon as you come to the Bath, after reſting a day, in the firſt place take your Bolus, and after drink the waters*, which he did for ſix days together.

Dr. Oates, my Lord, *I* would anſwer to this: This was not the letter, for therein he only told him what he ſhould do before he went to the Bath, and how many ſtroks he

he ſhould receive: Beſides, my Lord, there was not one *Syllable* of the *Bolus*, in the letter, or what Bath he was to go into; but when he came there he was to receive ſo many ſtrokes of the Pump.

Sir *G Wakeman*, Nor one *Syllable* of the milk in it neither.

Dr. *Oates*, Yes there was; he did take milk night and morning, for I attended upon him.

Sir G. *VVakeman*, my Lord you ſee this witneſs is a *Proteſtant*,

Mr. Juſt. Pemberton, mr. *Oates*, you ſay that the letter that you ſaw was written ten days before he went to the Bath?

Dr. Oates, Yes, if not more:

Sir *G. VVakeman*, Why ſhould I tell him of an hundred ſtrokes ſo long before he went to the *Bath*.

L. C. J. You might mention it to give him ſatisfaction. Well, have you any more?

Sir *George VVakeman*. Yes, my Lord. Call *Hunt*. Who ſtood up.

Lord Ch. Juſt. What do you call him to, *Sir George*?

Sir *George Wakeman*, This is my man. What do you know concerning a letter of directions that was ſent to mr. *Aſhby*, Give an Account of it.

Hunt, If it pleaſe your Honour, my maſter was out late: and comeing home, I told him mr. *Aſhby* had ſent for ſome Directions for the Bath; and being weary and indiſpoſed, (for it was late, and he was not well) ſaid he, *I cannot write my ſelf, do you take my Pen and Ink and write.* I did take the pen and *Ink* and write; and when I had written ſomething was falſe in it, Pray ſaid he, *correct that*: I did ſo, and interlined it, and when my maſter was in bed I writ it over again, and the next morning, before he was awake, I carryed it to mr. *Aſhby* my ſelf, and there were only directions in it what to do at the *Bath*.

L. C. J. When was mr. *Aſhby* to goe to the Bath? How ſoon after?

Hunt, He was to go the next morning.

L. C. J. If what mr. *Oates* ſwears be true, this letter that he ſaw was ten days before, ſo what he ſpeaks is quite another thing.

Sir *G VVakeman*, I never writ any ſuch letter in my life, and I hope the *Jury* will take notice of it.

Mr. Juſt Atkyns, Do you know any thing of mr. *Aſhby*'s drinking milk while he was here?

Hunt. No, but he was ſaying he was adviſed by a Friend of his to drink milk.

L. C. J. When at the *Bath*? *Hunt*, No. When he was in Town.

L. C. J. When he was in Town? that is conſiſtent with mr. *Oates*'s Teſtimony.

Sir *George Wakeman*. My Lord, there is a Phyſician that was in conſultation with me about mr. *Aſhby*, I think it of great conſequence to ſhew that I came to him about no Treaſonable Affair, I vow to Almighty God I did not.

L. C. J. If you have any more witneſſes, call them.

Sir *George VVakeman*, Call *Elizabeth Henningham*. Who ſtood up.

L. C. J. Sir *George*, What do you ask her?

Henningham. I was preſent, my Lord, at the writing of the letter. His ſervant writ, and he diſtated to him, every word of the letter I ſaw, but there was no ſuch thing in it.

L. C. J. I am very confident that this is true that you ſay, but it is not to the thing

that

that mr. *Oates* ſpeaks of, and charges you withall: that you did write ſuch a letter as theſe people mention, and there was nothing in it, but like a phyſician's directions to his patient, I do believe, and this was juſt when he was going to the Bath, but Mr. *Oates* tells you (if he ſays true) that this letter he ſpeakes of, to which Sir *George Wakeman* was ſubſcribed, was ten days before he went to the Bath; and that there was no mention of any *Bolus* in that, but the direction was in the firſt part how he was to uſe himſelf while he ſtaied in Town to drink milk, and when he came to the Bath to uſe the pump, ſo that this your Witneſſes ſay, and you urge, is true, but not pertinent.

Sir *George VVakeman*, I ſay, my *Lord*, it is not probable that I ſhou'd write directions ſo long before he went.

Henningham, *My Lord*, he ſaid himſelf he wanted directions to go to the Bath in my own hearing.

Mr. Juſt. Pemberton, Yes, he might, and indeed he did ſo, for the firſt contained none, but how he ſhould behave himſelf while he was here.

L. C. J. Have you any more Witneſſes, pray call them.

Sir *G. Wakeman*. My *Lord*, *I* have this to ſay, as I told you before, that I had my liberty for twenty four days after my examination before the Council. mr. *Oates* call'd at the Bar of the Houſe of Commons, & there gave an account of this very letter that he mentions now, I ſay it was at the Bar of the Houſe of Commns. And thereupon the Commons ſent an Addreſs to the Houſe of *Lords*, with aſtoniſhment that I was not under Confinement; and thereupon mr. *Oates* was called to the Bar of the Houſe of *Lords*, & was commanded to give an account what it was he knew concerning me, that ſhould create ſuch an aſtoniſhment in the Houſe of Commons: He told them of this letter, and my *Lord* Chancellour ſaid to him, *Do you know it was Sir* George Wakeman's *hand? No* ſaid he: *How do you know it was his letter then? I know it only by this*, ſaid he, *it was* ſubſcribed George Wakeman. If he had ſuch proof as he ſays he had now if he had ſeen me writing, & came into the Room where the Paper I writ was yet wet, whether he would not have mentioned it there when he was Examined about the knowledge of my hand.

L. C. J. Call your witneſſes; but what ſay you, mr. *Oates*, your ſelf to it?

Dr. *Oates*, *My* Lord Sir G. *VVakeman* had his liberty becauſe I was ſo weak, by reaſon of being up two nights together, one whereof was ſo very wet and being hot, wet and cold all in a few hours time, ſo that I thought it would have coſt me my life; not being uſed to ſuch hard ſervices; I did not charge Sir *George* ſo fully: though it may be objected to this *Court*, that I was bound to ſpeak the whole truth; and ſo I did, as opportunity and health would give me leave. And as to the Letter, and what I ſaid about it in the Lords Houſe, Sir *George* is miſtaken. He ſays here that I ſaid I knew his no otherwiſe, but by ſeeing Sir *George Wakeman* ſubſcribed to it.

Sir *George Wakeman*, I will prove it by the Record.

Dr. Oates. Now, my Lord, I humbly deſire that he may propoſe his Queſtions to the Court: And I deſire to know whether I did ſay, I did not know it any other ways but by its being ſignified *G. Wakeman*.

Sir *G. Wakeman*, Pray my Lord, be pleaſed to give me leave----

Lord. Ch. Juſt. Mr. Oates, did you mention in the Houſe of *Lords* whether you knew his hand or on?

Dr. Oates, *My* Lord, I cannot call to mind what I then ſaid I did ſay, I ſaw ſuch a letter ſigned *George Wakeman*, but if he will bring the Record, and one that ſhall

ſwear thoſe were the words, I will leave it to the Jury. But this, my Lord, I would add, if you will give me leave, the words I did ſay, as near as I can remember, were theſe; when they asked me how I knew Sir *George Wakemans* hand, I ſaid, I ſaw ſuch a Letter ſigned *George Wakeman*. Now, my Lord, upon this Information they did think fit to take Sir *George Wakeman* up, and ſecure him; and now I come face to face, and am not only to ſatisfie Judges, but a Jury; I ſhew you what Reaſons I have to believe it, and what they may have, that it was his hand: For I ſay I ſaw him in a writing poſture, I ſaw him lay by the Pen, I ſaw him withdraw from the Paper, I ſaw none but another Gentleman there that was lame of both his hands, and the Ink was not dry, and it was the ſame hand with the Letter.

Sir G. *Wakeman*, Was my Name to that Note?

Dr. *Oates*, No, I will not ſwear that; but the Character of the hand was the ſame, if I may judge of writing.

Lord Chief Juſtice North, Look you, Sir *George*, you ſpoke of Witneſſes you would call to prove what he ſwore in the Houſe of Lords; if you can call any Witneſſes for that, do.

Sir. G. *Wakeman*, Call Sir *Philip Lloyd*: I hope your Lordſhip will pleaſe to allow me at leaſt this advantage (I know not whether it be an advantage) that the Record of the Houſe of Lords may be made uſe of as a Record here. If I prove it by the Record it will be a good Evidence.

L. C. J. Have you that Record here?

Sir Geo. *Wakeman*, I have a Copy of that Record, and a Witneſs that will ſwear it.

Then Sir *Philip Lloyd* appeared, and ſtood up.

L. C. J. What do you ask Sir *Philip Lloyd*?

Sir *George Wakeman*, I deſire to know of Sir *Philip Lloyd*, what Mr. *Oates* ſaid of me before his *Majeſty* and the Council the laſt day of *September*; Sir, you were there preſent, and ſent by the King to me, and commanded to bring me in to the Council.

Sir *Philip Lloyd*, I will, my Lord, as well as I can, recollect and tell you as near as I can what Mr. *Oates* did then accuſe him of. It was upon the one and thirtieth day of *September*, Mr. *Oates* did then ſay he had ſeen a Letter, to the beſt of his remembrance, from Mr. *White* to Mr. *Fenwick* at Saint *Omers*, in which Letter he writ word, that Sir *George Wakeman* had undertaken the poyſoning of the King, and was to have 15000 *l.* for it; of which 5000 *l.* had been paid him by the hands of *Coleman*. Sir *George Wakeman* upon this was called in, and told of this Accuſation, he utterly denyed all, and did indeed carry himſelf as if he were not concerned at the Accuſation, but did tell the King and Council he hoped he ſhould have reparation and ſatisfaction for the injury done to his Honour. His Carriage was not well liked of by the King and Council, and being a matter of ſuch conſequence as this was, they were willing to know further of it; and becauſe they thought this Evidence not proof enough to give them occaſion to commit him, being only out of Letter of the third perſon, thereupon they called in Mr. *Oates* again, and my Lord Chancellor deſired Mr. *Oates* to tell him if he knew nothing perſonally of Sir *George Wakeman*, becauſe they were in a matter of moment; and deſired ſufficient proof whereupon to ground a Commitment; Mr. *Oates*, when he did come in again, and was asked the queſtion, did lift up his hands (for I muſt tell the truth let it be what it will) and ſaid, No, God forbid

that

that I ſhould ſay any thing againſt Sir *George Wakeman*; for I know nothing more againſt him. And I refer my ſelf to the whole Council whether it was not ſo.

Dr. *Oates*, I remember not one word of all this.

Sir *George Wakeman*, My Lord, this is a Proteſtant Witneſs too.

Dr. *Oates*, My Lord, give me leave to make an Anſwer: when I did report this letter, the Council did ask me whether or no Sir *George* was any ways concerned in this Letter, I replied, I had it by Report, that Sir *George* had received 5000*l*. of this money. My Lord, the Council did not preſs me to my knowledge; I will not be poſitive, but if the Council did preſs me, and I did make that Anſwer, I do appeal to the whole Board whether or no I was in a condition to make any Anſwer at all, when by reaſon of my being hurried up and down, and ſitting up, I was ſcarce *Compos mentis*.

L. C. J. What, muſt we be amuſed with I know not what for being up but two Nights? you were not able to give an Anſwer; that when they call and ſend for Mr. *Oats* again to give a poſitive Charge, and then you tell us a ſtory ſo remote; what was Mr. *Oates* juſt ſo ſpent, that he could not ſay I have ſeen a Letter under Sir *George Wakemans* own hand.

Dr. *Oats*, My Lord, I did to the beſt of my remembrance make mention of that letter, that Sir G. *Wakeman* writ, before the Board. I ſay to the beſt of my ſkill and knowledge, but *I* will not be poſitive in it.

L. C. J. You have heard what Sir *Philip Lloyd* ſays.

Mr. *Juſtice Dolben*, What ſay you, did Mr. *Oates* make any mention of this Letter?

Sir *Philip Lloyd*, Truly, my Lord, I can't remember that there was any ſuch Letter mentioned. *I* tell you what *I* do remember; and afterwards becauſe he came and gave this Depoſition before the Lords and Commons, that he found ſuch a Letter upon the Table from Sir *George* to *Aſhby*, indeed *I* did very much wonder at it, and it made me reflect upon that other paſſage at the Council, of his denying to accuſe Sir *George* further, and it hath been in my mind ever ſince.

L. C. J. And you do declare, that when the Lords of the Council asked him whether he knew any thing more particularly againſt Sir *George Wakeman*, he did lift up his hands and ſaid, No, God forbid I ſhould charge him any further, *I* know no more againſt him.

Sir *Philip Lloyd*, Yes, my Lord, ſo it was.

Dr. *Oates*, My Lord, *I* believe Sir *Philip Lloyd* is miſtaken, but however *I* was ſo weak; and the King and Council were ſo ſenſible of it, that the King himſelf had like to have ſent me away once or twice before, becauſe he found I was ſo weak.

L. C. J. It did not require ſuch a deal of ſtrength, to ſay, I ſaw a Letter under Sir *Georges* own hand.

L. C. J. *North*, Well, it muſt be left to the Jury; if you have any more Witneſſes call them.

L. C. *Juſt.* Mr. *Oates*, Sir *George Wakeman* urged it right, that he ſhould not have been permitted to have his liberty ſo long, if you had charged him home then.

Sir G. *Wakeman*, Call Mr. *Lydcott*.

Dr. *Oats*, To ſpeak the truth, they were ſuch a Council as would commit no body.

Mr. *Recorder*, That was not well ſaid.

Sir *George Wakeman*, He reflects on the King and all the Council.

L. C. J. You have taken a great confidence, *I* know not by what Authority, to say any thing of any body. But this is naturally true, That when the Council were offended at the carriage of Sir G. *Wakeman* at the Board, and therefore sent for Mr. *Oates* again, doubting in themselves whether what they had would be sufficient to commit him; for indeed it was not only a wild thing, of what was mentioned in a Letter of a third person's, that Sir *George* had accepted of Fifteen thousand pounds, and received the five; therefore said they, we will know of Mr. *Oates* some more particulars, and sent for him in again, and asked him, Do you know any thing of your own knowledge? If he had come in then and said, Yes, I have seen a Letter subscribed under *Sir George Wakeman's* hand, would not they have committed him? surely they would. And now the Council's not committing him, is an Argument, that they had not sufficient Evidence, and *Oates* did omit at that time to charge him with this Letter.

Then Mr. *Lydcott* stood up.

Sir G. *Wakeman*. Mr. *Lydcott*, have you a Copy of the Lords Records?

Mr. *Lydcott*. Yes, it is.

Sir G. *Wakeman*, Pray what did *Mr. Oates* say to my Lord Chancellor in the House of Lords?

L. C. J. You must have that which is proper Evidence. You shall have all the fair dealing that can be, and all that can be admitted for your defence shall be.

Sir G. *Wakeman*, My Lord, *I* humbly thank you, *I* find it.

L. *C.* J. Ay, but this is now what the Clerk writes down as minutes. 'Tis an hard construction to make this Evidence. Were you present when mr. *Oates* was there and said this?

Lydcott. No my Lord, all I say is this, this is a Copy of the Record in the Lord's house.

L. C. J. Did mr. *Oates* set his hand to that Record?

Lydcott, Yes, in some places. 'Tis *Titus Oates* set in diverse places as his hand to Examinations.

L. C. J. But is mr. *Oates* own hand set to the Record?

Lydcott, I know nothing of that?

L. C. J. This is the Objection, It will be hard, that if a Clerk takes the Depositions of *Oates*, or any one else, and takes them as near as he can, but he never subscribes it; and you prove only 'tis a Copy of what the Clerk wrote, That cannot be allowed as Evidence.

Lydcott, 'Tis a Copy in most places of what is under mr. *Relfs* own hand.

L. C. J. But you can't Swear the Clerk writ true?

Lydcott, No, that I can't.

L. C. J. It may be an entry of what the House of Lords did upon the Examination; That is not Evidence here.

Mr. *J. Pemberton*, If you can produce any one that heard mr. *Oates* give in his Information, you say well.

Sir. *G. Wakeman*, I believe there is a difference between the entry Book, and the Book of Records; and I hope you will look upon the Book of the House of Lords as the highest Evidence, beyond any verbal averment, my Life is in your Hands, I ask you whether it be not so, or no?

L. C. *J. North*, If there be a Record in any Court of Record, that such a man appeared in Court, 'tis an Evidence that he was in Court, and a Record for it; but when there

there is an Examination in a Court of Record, these not passing the Examination of that Court, but being taken by the Clerks, we always in Evidence expect there should be some body to prove, that such an Examination was sworn, and subscribed to.

Lord Ch. J. Have you any witnesses here, that were by, and heard what mr. *Oates* did then Depose, and can testifie what mr. *Oates* said when he was called in, and particularly what answer he made to that single Question of my Lord Chancellors, how he came to know it was your hand?

Sir *G. Wakeman*, I can bring none but these Records, or the Lords themselves, and I can't expect it from them. And that which they call a Record, I am not able to judge whether it be a Record or no.

L. C. J. Were there not others called with him into the Lords house?

Sir *G. Wakeman*, No, there were none but the Lords themselves.

L. C. J. You should have had the Clerks here that made the entry, or saw him set his hand to the Examination.

L. C. J. North, This is nothing, but as he sayes, a Transcript out of the Journal.

Lydcott, I believe it is written most under Mr. *Relfs* own hand. There is a great deal of it that contains the whole Narrative that *Oates* gave in.

L. C. J. North, You desire to give in Evidence what Mr. *Oates* said at the Bar of the House of Lords to what my Lord Chancellor asked him, if you have any witnesses that can prove it, they shall be heard.

Sir *G. Wakeman*, my Lord, *I* have no Witnesses only the Record.

L. C. J. That is only a Copy of a Narrative.

Sir *G. Wakeman*. If you will not allow it to be a Record, I can't help it.

Mr. Recorder, This is no part of the Record of the House of Lords, It can't be allow'd.

L. C. J. Well, have you any other witnesses to any thing else?

Sir *G. Wakeman*, I desire you would Examine Sir *Philip Lloyd* once more.

(*Who was called, but answer not.*)

Mr. Recorder, He is gone out of the Court.

L. C. J. Well, what say the rest? mr. *Corker*, have you any Witnesses in the first place?

Corker, No, my Lord.

L. C. J. Mr. *Marshal*, have you any Witnesses, Answer that first; before you enter upon your Defence, you shall be heard afterwards.

Then Sir *Philip Lloyd* came into Court again.

Mr. Recorder, Sir *George*, here is Sir *Philip Lloyd*, here now; what would you ask him?

Sir *G. Wakeman*, Sir *Philip Lloyd*, I desire to know concerning the last Examination of mr. *Oates*, and mr. *Bedloe* before the Council; (you were there present as I am informed) pray will you tell what you know.

Sir *Philip Lloyd*, To what point Sir?

Sir *G. Wakeman*, To their whole Evidence.

Sir *Philip Lloyd*, *I* suppose what they have given in lately, they have acquainted the Bench with already. *It* was some day this very *month*, but I would know what it is Sir *George* would have me to speak to?

L. C. J. What was there relating to Sir *George Wakeman*?

L. C. J. North, But pray consider, whether it be a Question fit to be Asked of the Clerk of the Council, what was done in Council without leave of the Board. I don't think he is bound to Answer the Question.

Mr. *Juſt. Pemberton*, Sir *George*, if you would ask him to any one particular queſtion, it were ſomething.

Sir G. *Wakeman*, I have done with him; I hope he will excuſe me, I have put him to this trouble.

L. C. J. Then Mr. *Marſhal*, have you any Witneſſes?

Marſhal, I cannot ſay I have any direct poſitive Witneſſes.

Lord Chief Juſtice, Think not that you ſhall be concluded, we are not in haſt, you ſhall have time to ſay what you will; but if you would uſe any Witneſſes, call them.

Marſhal, For the preſent I ſhall have no uſe of any.

L. C. J. Well, *Mr. Rumley*, have you any Witneſſes?

Rumley, I think I have.

L. C. J. I can't tell of any need you have of any, for there is but one Witneſs againſt you.

Corker, But he deſires that his Witneſſes may be heard, 'tis but ſhort.

Sir *Rob. Sawyer*, There is no need of it *Mr. Rumley*, we can't inſiſt on it againſt you, you muſt be acquitted.

Mr. *Recorder*, Will he have his Witneſſes called? If he will, he ſhall, though there is no need of it.

Rumley, No, my Lord.

L. C. J. Then Sir *Robert Sawyer*, would you ſay any thing more for the King, before the Priſoners make their Defence?

Sir *R. Sawyer*, My Lord, there is one thing which I would have anſwered, that is, the variance between what *Mr. Oats* ſaid before the Council and what he ſays now, upon the Teſtimony of Sir *Philip Lloyd*, who ſays, that he gave no Teſtimony of this Letter, under Sir *George Wakmans* hand; but being asked, whether he knew any thing of his own knowledge, he ſaid, he had only met with a Letter from *White* to *Fenwick*, wherein it was ſaid, So much was propoſed to, and accepted by Sir *George Wakman*: And that he ſhould then declare that he could ſay no more, and lifting up his hands affirm with a proteſtation he knew no more. Gentlemen, We hope to give you ſatisfaction in this matter, for it was after a long and tedious Examination; and we ſhall prove to you, that he was in great Confuſion, being almoſt tired out with Examination, which is not impoſſible to happen to any man though of the ſtrongeſt Conſtitution and memory, after two nights waking, and continual hurrying up and down. We ſhall call Sir *Thomas Doleman* to prove, that he was under great confuſion, and that the King and Council were ſo ſenſible of it, that ſome of them would have had him gone away a great while before he did go away. Swear Sir *Thomas Doleman* (which was done.)

Sir *R. Sawyer*, You hear what hath been objected and ſaid by Sir *Philip Lloyd*, will you tell your knowledge of this matter?

Sir *Thomas Doleman*, My Lord, *Mr. Oates* did appear before the King and Council, I think on the *Saturday*, before which was *Michaelmas Eve*. The Council ſat long that morning, the Council ſat again in the afternoon, and *Mr. Oates* was employed that night I think to ſearch after ſome Jeſuits who were then taken, and that was the work of that night. The Council I think ſat again on *Sunday* in the afternoon, *Mr. Oates* was then examined, the Council ſat long, and at night he was ſent abroad again to

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search the Lodgings of several Priests, and to find out their Papers which he did seize upon, and one of the nights in that season was a very wet night; he went either with a Messenger or with a Guard upon him. On *Monday* morning the Council sat again, and he was further examined, and went abroad; and *Monday* night Mr. *Oates* was in as feeble and weak a condition as ever I saw man in my life. And was very willing to have been dismissed for that time; for he seem'd to be in very great weakness, and disorder; so that I believe he was scarce able to give a good Answer.

Sir *R. Sawyer*, Was that the time Sir *Philip Lloyd* speaks of?

Sir *Tho. Doleman*, I think he was called in on *Monday* night.

Sir *George Wakeman*, I received the Summons on *Saturday* by a Letter from Sir *Robert Southwell*.

Sir *Tho. Doleman*, You were called in on *Monday* night, the night before the King went to *New-market*.

Sir *George Wakeman*, I appeared upon *Sunday*, and was dismissed by Sir *Philip Lloyd*, who came out and let me know that the King said, he would have the hearing of it himself the next day.

Sir *Tho. Doleman*, Then Sir, you were called in, and you gave your Answer; and the whole Council was amazed at the manner of it: for you did not in my Opinion, or in the Opinion of several others, deny it so positively as one that was innocent could, but used many great expressions of your own great Fidelity and Loyalty to the King, and your Family, and of the Services they had payd the Crown, and did require Satisfaction and Reparation for the injury done to your Honour.

Sir *George Wakeman*, My Lord, I will give you a brief Account of it; I leave it to you, whether I behaved my self ill or no; I confess, *I* think *I* might have behaved my self more submissively; there was nothing of Duty wanting in my mind, but *I* will give you an account of what *I* said Verbatim. My Lord Chancellor told me, that *I* was accused of the blackest of Crimes; that *I* had undertaken to poison the King. *I* asked him who was my Accuser, he pointed to *Mr. Oates*, and told me *Mr. Oats* was my Accuser. Says I, Mr. *Oates*, do you know me? Did you ever see me before? Mr. *Oates* said no. Why then said *I*, how come you to be my Accuser. Said he, I will tell you; *I* was at St. *Omers*, where there was a Consult of the Jesuits, at which Mr. *Ashby* the Rector of the College at St. *Omers* did preside; And in that Consult it was debated who was the fittest person for that horrid undertaking of Poisoning the King, and unanimously it was agreed upon at that Consult, that you were; Sir *George Wakeman* by Name: and now he says it was debated here in *England*. Then, my Lord, said *I* to my Lord Chancellor, here is no proof, therefore I hope there is no need of any Defence. Said he, there is no Smoak but there is some Fire. My Lord, said I, if you understand by that, there can be no Accusation without some Guilt, I should be sorry I should not understand both sacred and prophane History, better than to think so. Then he pressed me to know what I could say for my self. Said I, My Lord, *I* come of a loyal Family, my Father hath suffered very much to the value of Eighteen Thousand Pounds and more for the Royal Family. My Brother raised a Troop of Horse for the King, and served him from the beginning of the War to the end. He was Major to the Marques of *Worcester*, at *Worcester* Fight, and lost his Life by the Wounds he received in the Kings Service. As for my own part, said I, I travelled very young, and came over when *Ireton* was Lord Mayor, and both by my Reli-

sion, and my Name, was suspected to be a Favourer of the Royal Party, and therefore was imprisoned, & did not come out till I had given great Security: and the second time I was committed, was, when I entred into a Plot, the only Plot I was guilty of, I conspired with Captain *Lucy*, and several others to attempt something for His Majesties Restauration, when few durst appear for him. I was charged on in my Bed; there were several Arms found in my Apothecaries Cellar, and we were both committed to Prison; and we should both have suffered Death certainly if his *Majesties* happy Restoration had not prevented it. When my Lord prest me still to say what *I* could say for my self, as to what was charged on me; *I* told him, my Lord, *I* am under the most foul and false Accusation that ever innocent Gentleman was, and *I* expect Reparation; and upon that they were offended, and *I* was bid to withdraw. And *I* added this beside, my Lord, that there was not a Family in *England* that was so much instrumental in his Majesties Restoration as that Family was; that Collonel *Charles Gifford* was my near Kinsman, so was Collonel *Carlos*; and that the *Pendrels* were menial Servants to the Family, and *I* hope they deserve some favour.

Lord Chief Just. What have you to say, Sir *George*, in your present Defence here. Make what Observations you will now, upon the Testimony hath been given against you.

Sir *George Wakeman*, My Lord, *I* say this, if it had been allowed me, to make use of the Records of the House of Lords, it would have made all things so evident and clear, as nothing can be more; for then, when he was called to that Bar, to give an account what he had declared to the House of Commons concerning me, he gave an account of this Letter.

Mr. *Just. Pemb.* Sir *George*, you must not make mention any more of these things, that could not be given in Evidence.

Sir *G. Wakeman*, Then my Lord, *I* have no more to say.

L. C. J. What say you *Mr. Corker?*

Corker, My Lord, I hope the Court will not require that I should bring any particular Evidence in Confutation of what is here alledged against me; for, before I came to this Bar, I did not know any particular Accusation that was against me; and therefore I could not be ready to answer it, and make my Defence, or bring particular Witnesses to evidence, and shew my innocency. Besides, my Lord, it is a known general maxim, That a positive Assertion is as easie to be made, as to prove a Negative, is oftentimes hard, if not impossible. Men may easily devise Crimes, and frame Accusations against innocent men in such a manner that the contrary cannot possibly be demonstrated. No moral man can tell where he was, and what he did and said every day and hour of his whole life. Therefore I think 'tis not only positive bare swearing, but 'tis probable swearing, that must render a man Guilty of a Crime. Otherwise my Lord, it would be lawful, and in the power of *Oates* and his Companions here, to hang by turns, upon bare Oath, all the innocent men in the whole Nation, though never so innocent, and that for Crimes never so ridiculous and absurd. And I say this further, he that swears against another, First, ought to be himself a credible Witness: And then secondly, strengthened by probable Circumstances; Circumstances that bring along with them some probable Evidence distinct from the Witnesses themselves: Otherwise I think, that the party accused, without any proof of his side, ought to remain in the possession of his own innocency. Now I think, my Lord, there will be never

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an one of these two necessary Conditions to be found in the Evidence against me; for First, the Witnesses against me, are persons that are, or at least formerly, have been of scandalous lives.

Lord Chief Just, You should prove it, before you say it. You shall have all things allowed you that are fit: but you must not heap up contumelies upon men un-proved, or call men Names, when you have proved nothing against them. If you can prove any thing, of Gods name do it; prove them as fully as you can.

Corker, I do only say this, They have been reported, and owned by themselves, as men that have been of scandalous lives.

L. C. J. If the Jury know it of their own knowledge, I leave it to them; but you have proved nothing.

Corker, Well, my Lord, but then in the next place, neither will the positive Oaths of men formerly infamous, be any convincing Arguments of our Guilt: And then next, as to the other Circumstances that should render me Guilty, *Mr. Oates* does not here make me Guilty alone of this grand Conspiracy; but he involves the Nobility, Gentry, and the whole body of the Catholicks in this Treason. Now my Lord, I refer it to the Judgment of the Court, whether so many persons as he Names, and those of such Eminent Quality, and of such considerable Estates in their Countries, persons settled under so good a KING, in so peaceable a Kingdom; so quiet in Condition; men of good and vertuous lives, and unblemished conversations, before this hour should hazard their Honours, their Lives, their Families, their Bodies, their Souls; their All in such a Design.

L. C. J. What is this to your case?

Corker, My Lord If this be not probable, I hope I am free of the Plot.

Lord Chief Just. But what is this to your Case? Pray hear, you are now making a Speech against Mr. *Oates* and Mr. *Bedlow*, that they do accuse people of great Honour and Quality; he hath given no Accusation against any as yet that you are to take notice of. You ought to make use of nothing as an Argument to the Jury, but of the Evidence, that hath been given to the Jury. If you can make use of any thing, that Mr. *Oates* or Mr. *Bedlow* hath said here to contradict them, or invalidate their Testimony, you have said well. But to talk of such a story of accusing Noblemen, and such like when there is nothing of that before you; you must first prove what you will infer from.

Corker, My Lord This I take to be of very great concern to my self, that since the Truth of this Evidence does depend upon the certainty of the Plot, and this pretended Conspiracy against his Sacred Majesty, if there be no such Plot and Conspiracy, and if by Circumstances I can render it improbable, I hope the Jury will take it into consideration.

L. C. J. Ay, Ay, I am of that Opinion, if thou canst but satisfie us and the Jury, that there is no Plot, thou shalt be quitted by my consent.

Corker, I will, my Lord, shew you the improbability of it.

L. C. J. Ay, Do but give us one probable Argument, (you being a learned man and a Priest) why we should believe there is no Plot.

Corker, My Lord, I would have endeavoured to have shewn you the improbability of it, but yet I would not urge it, because it may not be so grateful to your Lordship. But to me 'tis not probable, that so many Honourable & Vertuous Persons should be in-

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volved in a plot so Dangerous, so Horrid and Detestable in it self, wherein my Lord, as he says, so many Thousands of People and even a whole Nation were to be overwhelmed: of which if a discovery had been made by any person, it would have prevented the utter Ruine of so many Millions. 'Tis not Rational or Probable, that such vast whole Armies should be raised, and Forreign Nations concerned in the Plot. All which, notwithstanding all the Evidence that can be made out of this Plot, is but only their positive Swearing.

L. C. J. Just, Now you made your Objection, that it was a strange thing that such a Design should be communicated to so many; now you make it a wonder, why so few should know it, only *Oates* and *Bedloe*. Your argument before was, that it was a wonderful thing, that so great a concern should be communicated to any one; and now your wonder more, that none should know it but they two.

Corker, Therefore my Lord, I from thence Argue thus, that since there is no other Evidence, nor further Proof of it then from Mr. *Oates*, and Mr. *Bedloe*, *I* inser there is no such thing at all.

L. C. J. Yes, as for your Army, there is more than so; Do you remember what Mr. *Dugdale* and what *Mr. Praunce* say?

Corker, Yes, my Lord, considering these Persons, what they are, their vile Oaths, and the incouragement they have met with, by such *Indearments* and Caresses, as they have found, their Credit is not much to be weighed. Now my Lord, I apply to the Accusation that is against my self.

L. C. J. Ay Ay, That is your best way, for it would have been an hard task for you to prove that there was no Plot. We were in great Expectation what Arguments you would bring us for it.

Sir *George Wakman*, My Lord, will you give me leave to observe one thing more to your Lordship, and the Court; Mr. *Oates* does mention in his Narrative of at least Thirty or Forty Pages, and all this upon Oath (so he saith in the end of his Narrative) but I would observe, that there is not a *Letter* dated in *France* or in the Lowcountries, or *Received* here, but he swears positively as to the Date of it, and *Reception* of it; but now, when he comes to mention any thing wherein a mans *Life* is Concerned, he will not tie up himself to a moneth.

L. C. J. Yes, he does, and to part of a moneth. He tells you it was the beginning or middle, or latter end; and he speaks punctually as to the Twenty first of *August*.

Sir G. W. But in all his whole Narrative, he speaks to a Day.

Mr. *Recorder*, As my Lord says, he speaks punctually to the 21st. of *August*. And as to the *Letters*, he took the date of them in his memorial.

Corker, my Lord, I would only take notice, that at the first, Mr. *Oates* thought to take advantage of some words of mine at my Examination; he told you, that *I* had gone into *France*, but that *I* denied it when I was examined before the Justice of Peace, My Lord, *I* deny all this; for the Justice of Peace Examined me where I had lived——

L. C. J. We have nothing of this matter here before us.

M. J. *Pemberton*, You are to answer what he says now.

Corker, 'Tis what Mr. *Oates* says now, for I knew nothing of it till now. Now my Lord, as to that I say, I did not deny it before the Justice of Peace that Examined me; for I told him, I lived with a certain Lady Twelve years, till she died; and during that

time,

time, I never was beyond the Sea but once, which was five years since, for the Cure of a Quartane Ague that I had, and I went over to *France*; otherwise during all that time that *I* was with my Lady, *I* did not go beyond Sea. Upon this, the Justice began to ask me other questions; whereupon my Lord, *I* recollected my self, and said, Sir, *I* told you *I* had not been beyond Sea during the time *I* had been with my Lady but that time, five years since; but my Lady being dead, *I* went over last Summer in *August* to perfect the Cure of that Ague; for *I* had it seven years, spring and fall. And this *I* told him of my self, without asking. The last Summer I went over, and there *I* staid till two days before *September*; therefore I did commit no mistakes in what *I* said, Or used any Cloke to cover it. Now my Lord, he says, *I* went to *Lamspring* which is in the further End of *Germany*.

Lord Ch. Just. He says, you said so.

Corker, Pray ask him how he knows it; he says by my Letters: sure if this man were privy to those great Conspiracies which he charges me to be a Partner in, it is not probable but that *I* should tell him where I went; and then if *I* did tell him so, I must go thither and back again in 6 weeks time, which was morally impossible to do, to go thither and to return; for, I was but six weeks out of Town.

L. Ch. Just. How you Argue Sir? He says, you told him you went to *Lamspring*; Say you, certainly *I* would tell him true, because he was engaged with me in Conspiracies; but this can't be true, because of the length of the Way. *Is* this a way of Arguing? may not you tell him, you go to one Place, and indeed go to another?

Corker, What reason or motive had I to tell him a lie?

Lord C. Ju. It is a hard matter for us to give an Account of Jesuits Answers, even one to another.

Corker, *I* am not a Jesuit, *I* wont say the least untruth to save my life. Then as to my being president (as he calls it) of the Congregation; all the Congregation, and all that know us, know that *Stapleton* (formerly Chaplain to the Queen) is and hath been for twelve Years; President of that Order. And I am confident that all Catholicks, and most of the Court, do likewise know it to be true; and by Consequence, it is likewise untrue, that there was an Agreement made by the Jesuits and Benedictine Monks when *I* was at *Paris*, to which I was not privy, but could not go on till I was acquainted with it, and consented to it. Now my Lord, if *I* be not President of that Order; that must be a Flam and a Story.

L. C. J. You say that, Prove who is.

Corker, *Mr. Stapleton* was, as 'tis well known.

L. C. J. Call who you will to prove it, if you can.

Corker. Here is one of the Lay-Brothers of the Order.

L. C. J. Who is that? *Corker*, *Mr. Rumley* here.

L. C. J. He cannot be a witness for you or against you at this tryal.

Corker, My Lord, since *I* did not know of it before, *I* could not bring any body.

Lord Ch. Just. You put it upon your selves.

Corker, My Lord, *I* say then I never was at any Consult where any such sum of money was proposed or agreed, nor was it requisite or necessary that I should be so much privy to it, for I was not Superiour of the Order, nor President of it, by reason of which my consent should be necessary, or any such letter be writ to me, or any such received from me. And then my Lord, 2*dly*. *I* must take notice again, he accuses me of being Bishop of

London.

London, and that I did consent to this agreement of paying so many thousand pounds; if I were guilty of this, and likewise of contriving the Kings death, and especially consenting to *Pickerings* murther of the King, when that *Pickering* was taken I should have been taken too, or *I* knowing my self guilty should have fled.

L. C. J. You excepted against *Pickering* and thought him not a convenient man, because he was one of your Order.

Corker, I hope he does not positively say I consented to the Kings death; He says indeed I knew something of it, now I was near him when he was taken. All the Officers that came to take mr. *Pickering* came to my Chamber. Mr *Oates* sayes he was there at the takeing of *Pickering*; if *I* were guilty of all these things being superior and master to this *Pickering*, 'tis a strange thing that he should neither know me nor own me, nor accuse me, nor take me, nor apprehend me untill almost a month after; all which time *I* had my liberty; but then takeing notice of my going down there, & having further information of me that I had lodged there he took me into his Catalogue of Bishops, and he came to take me. But if I had been guilty of these hainous things; there is no reason but they should have apprehended and taken me when *Pickering*, and *Grove*, and *Ireland and* Sir *G. Wakeman* were taken.

L. C. J. I will tell you what for that: if you were now arraigned for being a Priest, you might well make use of that argument, That when they took *Pickering* and *Grove*, if they knew you to have been a Priest they should have taken you too, and yet for all that you were a Priest, you could not have denied it. But would it have been an Argument because you were not then taken, you were not so? So you might be in the Plot and not be taken. &. 'tis no Argument from your not being taken that you were not.

Corker. I say my Lord, if he came to discover the Plotters it had been his duty to have taken me before if I had been one in the plot.

L. C. J. So it hath been his duty to have taken you as a Priest.

Corker. But I was, as he sayes, equall in the same crime with *Pickering*, and therefore he should have taken me when he took him.

L. C. J. Have you any thing more?

Corker. Beside my Lord, I find he undertook to tell the Names of all those that were engaged in this Conspiracy, but among them all my Name is not, therefore 'tis a new invention of his.

L. C. J. That is not said here, you go off from what is said here.

L. C. J. North. Can you prove that? then first do it, and then make your Observations upon it, if you can prove what he said before the Lords by Witnesses; but otherwise you must not discourse upon what you have not proved.

L. C. J. Here is nothing of that before this Jury.

Corker. I cannot prove it otherwise than by the Record. I desire it may be looked upon, and I refer it to the consideration of the Jury whether if he did say he did not know any thing else of any man whatsoever, but what he had then declared, and I am not there accused; whether this allegation be now to be believed?

L. C. J. That hath been answered already.

Mr. Just. Dolbin. But it is not proved by them.

Corker. I leave it to the Jury, whether they will believe it or no.

L. C. J. You say well, if you refer it to the Jury let them consider it.

Corker. I say they ought to take it into their consideration, they are not rashly to give

a Verdict against me; and Gentlemen I believe I may refer it to your consciences, whether you do not know what I say to be true in this business?

L. C. J. Mr. *Marshall* What say you to it?

Marshall. Truly my Lord, what I have to say for my self is this. About a month ago *I* was told the time of my Tryal was at hand, and being then full of good hope, I did endeavour to provide for it, and I had a great confidence my Lord that it would succeed; but truly upon the ill success of the late Tryals, either my hope or my heart failed me, and I did resolve to cast my self upon God and his providence, and however my silence might have bin interpreted, I did resolve with silence and submission to resign up my self to whatsoever your Lordship and the worthy Jury should be pleased to decree upon me. But my Lord, since your Lordship is pleased to fling forth some encouragement, and to hang out the white Flagg of Hope, for your Lordship hath been pleased to use many gracious expressions, and so my Lord upon this I shall contrary to my former determination now endeavour to make defence for my life as well as *I* can: But my Lord not being so well able to do it, or of so quick capacity as that learned and wise Council which we have here of Counsel for us, to wit, the Honourable Bench of Judges, for upon inquiry why by law we were allowed no Council, I was told that the whole Bench of Judges were alwayes of Counsel for the prisoner, and indeed they look upon it as an obligation upon them as far as Truth and Justice will permit them to plead for us. Now my Lord with an humble heart I would suggest some heads of defence to this Learned, wise and Honourable Council, and leave it to them to manage my cause for me according to Truth and Justice, which they are better able to do for me than I for my self. My Lord, I have (thank God) no spleen nor hatred in my heart against the worst of my Enemies, nor shall be desirous of Revenge, I leave them and their proceedings to God; neither am I willing to charge mr. *Oates* and mr. *Bedloe* with worse than the necessity of my defence will occasion me to say of them. Now my Lord the best of men may be mistaken in a person, and if I prove mr. *Oates* is mistaken in the person in me, then I charge mr. *Oates* with no great crime, & yet make my own defence. Now my Lord, I offer these things for that defence and I hope your Lordship will appear my great advocate, and what *I* suggest in a few heads you will *I* hope put it into a method, and manage it better than I can my self. My Lord, when *I* was first brought before Mr. *Oates* (as truly all that were with me do know) I carried my self with a great deal of courage and confidence, for I was certain that he did not know me, and *I* did believe it would be only my trouble of going thither and coming back again.

Lord Ch. Just. To go Whither?

Marshall. To *Westminster.* And pray take notice of this: When I was first apprehended I was never sought for, nor named as a Taitor in this business; but coming accidentally into a house to ask for one where they were actually searching though I saw the Constable at the dore and lights in the house yet I went in and asked if such an one was within. *I* think this confidence will not rationally suppose me guilty, the house being under suspicion.

L. C. J. Here is no proof of all this?

Marshall. All that were there know it: Sir Sir *William Waller*, which took me knows it.

L. C. J. Sir *William Waller*, is this so?

Sir *William Waller.* My Lord, when I came to search the house *I* placed one at the door, and him I ordered to let whoever would come in, but no person whatsoever go out, when I was searching this person comes and knocks at the door but did not know

I suppose, of any person searching in the house; for when the door was opened and he let in and understood it, he presently endeavoured to get away again.

Marshall. By your favour, my Lord, *I* am very loath to contradict what Sir *William Waller* says in any thing, *I* would willingly believe him a just person that would say nothing but the truth; but God Almighty is my Witness that I never knocked, the door was open, and *I* came in of my own accord both in at the first and second door; this the Constable will testifie.

L. C. J. And you would not have gone away again if you could, would you?

Marshal. I will give you better proof of it: While they were searching in an interior Room (& this is well known by them all that were there) *I* was in an outward Room by my self, this Sir *William Waller* knows, and when they came back and found me there, the Constable and the rest wondered I was not gone. I was left alone by the door by my self, the outward door I found open, and there is another door which leads out into an Alley, which any man can open in three minutes time, and I know how to do it. Now I could not learn it since I was taken, for I have not been permitted to go abroad, but been under close Confinement. But if it be worth the while, and you will give me leave to go there, *I* can shew you how 'tis opened in less time than I can speak three words.

Lord Chief Just. Would you have the Jury stay here while you go and shew us the door? If you have any Witnesses to prove it, call them. Come to the purpose, man.

Marshal. My Lord, I say, if it were worth the while, that it might be made appear, that if I would go away *I* could, but I did not get away, but stayed with a great deal of confidence, my Lord; therefore I urge this to the point, that Mr. *Oates* is mistaken. After I had been there a while before Mr. *Oates*, Sir *William Waller* wished me to withdraw, and after I had been absent a while and came back again, Sir *William Waller* wished me to pluck off my Periwig, and turn my back to him and Mr. *Oates*: I did not then well understand the meaning of it. But afterwards Sir *William Waller* out of his great Civility came to see me at the Gatehouse, and brought with him two very worthy persons, Sir *Philip Mathews* and Sir *John Cutler*. Sir *Philip Mathews* upon discourse hearing me declare, that Mr. *Oates* was a perfect stranger to me, said, That Mr. *Oates* in testimony that he knew me, had given such a certain mark behind in my head. I told Sir *Philip Matthews*, if he pleased to pluck off my Periwig, he should see whether there was any such mark or no; but he being an extraordinary civil person told me, he would not give me the trouble. I desire Mr. *Oates* to declare now before-hand what that mark was behind my head, and if there be such a mark, 'tis some Evidence that his Testimony is true; but if there be no such, then it will appear to this Honourable Court and the Jury, that he did not know me, but was mistaken in the man.

L. C. J. *I* suppose he does not know you so much by the mark behind your head, as by that in your forehead.

Marshal. But why did he then speak of the mark behind my head?

Mr. *Recorder*, How does that appear, that he did give such a mark?

Sir *William Waller*, I shall give your Lordship a short account what was done: When I brought him to Mr. *Oates*, I did desire indeed to see his Periwig off, to see if there were any appearance of a shaven Crown. After that I had done that, *I* caused him to withdraw till *I* had taken Mr. *Oates*'s Examination upn Oath, and after *I* had

taken

taken that, *I* desired him to come in again, and *I* read it to him and taxed him with it; to which he gave a general denial to every particular, and thereupon I committed him to the Gatehouse.

L. C. *J.* What is this to the business of the mark?

Sir *W. Waller*, I do not know of any mark; but this I do know, that as soon as ever he came in, Mr. *Oates* called him by his Name.

Marshall, I desire Sir *Philip Mathews* may be called.

Mr. *Recorder*, He is not here, what would you have with him?

Marshall, To ask if he did not know in particular, that the mark was such a spot behind my head. Hath he not been here to day?

Mr. *Recorder*, I can't tell that.

Lord Ch. Just. But he called you by your name before ever you plucked off your Perriwig, so saith Sir *W. Waller*.

Marshall, That which I was to shew, if I could, and truly all my defence lyes upon it, is that Mr. *Oates* is a perfect Stranger to me, and consequently hath nothing against me. Now if Mr. *Oates* did give a false mark to know me by, and there is no such mark, I think 'tis a proof that he is mistaken.

L. C. J. Sir *W. Waller* sayes the contrary, he called you by your name, and there was no mark mentioned: but *If* you will suppose what you please, you may conclude what you list.

Marshall, Sir *W. Waller* plucked off my Perriwig, and bid me turn my back to him.

L. C. J. That was to see whether you were shaven or no.

Marshall, Sir *W. Waller* had not so little knowledge as to think that the Priests go shaven here in *England*, where tis death for them, if they be discovered, besides my Lord, it was put in the Common News Books which were dispersed abroad in the Country, that it was a white lock behind. Well if there be any thing of Favour or inclination to mercy in the Court I shall find it; but if there be none, it will not succeed, though *I* spoke ten thousand times over, nay though it were spoken by the Tongue of Men and Angels it would do me no good; therefore *I* inforce it again to the Jury to take notice of, that there was a particular mark given.

Lord Ch. Just. That you have not proved.

Marshall, My Lord, I would beseech you to take notice of what every man knows; and tis against reason to believe that Sir *W. Waller* knowing the World so well as he is supposed to do, should think we went with Shaven Crowns in *England*.

L. C. J. And therefore Dr. *Oates* must look for another mark must he, how does that appear?

Marshall, All *England* know that those who go over to any Seminary or Cloister, never come over again to *England* till their hair be grown out, that it may be no mark or testimony that they are such Persons.

L. C. J. Do you think all mankind knows that.

Marshall, All that is Rational does.

L. C. J. Well, you hear what Sir *W. Waller* says.

Marshall, I always looked upon Sir *W. Waller* as a very learned upright person, and did rely upon what he should testifie for my defence, and he knows when Dr. *Oates* brought in his first Testimony against me, I did beg that what he said should be written down by him, said Sir *W. Waller* it shall not be written down, but I will promise

I

you to remember what he says, Now *I* hope Sir *W. Waller* as an honest and worthy Gentleman will keep his Word, and I desire him to do it as he will answer it before God at the *Great* Tribunal.

L. C. J. Ask him what you will. You adjure him and yet you wont ask him.

Marshall, Now my *Lord*, *I*'le tell you how Mr. *Oates* came to know my name (which is another proof that he is a Stranger to me.) When I came first in, I asked *Mr. Oates* if he knew me, and looking seriously upon me, he asked me what my name was. Now we knowing no more of a mans thoughts but what his words discover, it may seem by that very Question that Mr. *Oates* was a perfect stranger to me, Now when I told him my name was *Marshall*, he was pleased to answer, you are called *Marsh*. But my Lord, I should consider that which hath been before offered to your Lordship, but that I I do not much insist upon, that if Mr. *Oates* had a Commission to search for Priests and Traitors, he was as well bound to tell you I was a Priest as a Traitor, that is an Argument for me I say. If he had a Commission to apprehend Priests, *I* conceive if he knew us to be Priests, he should by force of such a Commission have seised upon us.

L. C. J. He needed no Commission to do that, he did search to find out Traitors.

Marshall, He heard us particularly named, looks upon us, goes away, denies that he knows us, gives us leave to sleep out our sleep, and if we would to be gone. Therefore 'tis without any likelihood or probability that he had any thing to say against us.

L. C. J. You have not proved one word of all this.

Marshall, He owned it himself, that he had searched the *Savoy* for Traitors, and did not take us, *I* speak this out of his own mouth, therefore it is incredible, and *I* hope the Jury will take notice of it. He was searching for Traitors and knowing me to be a Notorious Traitor as he would have me to be, that he should find me in bed, have his *Majesties* Officers with me, and not seize upon me.

Mr. J. Pemberton, It does not appear to us; you have not proved it.

L. C. J. Sir *W. Waller*, did he say first do you know me, and then *Oates* ask his name?

Sir *William Waller*, *I* speak solemnly as in the presence of *God*, there was not one word of all this.

Carker, I beseech you may *I* speak one word?

L. C. J. Have you done Mr. *Marshall*.

Marshall, Truly my Lord, *I* am astonished, I protest and confess before God I am astonished. There is Mr. *Gill* the Constable who owned this, and promised to be here to attest it, for there was a dispute about it between Dr. *Oates* and me: for said I presently, if you took me in bed and knew me to be a Traytor why did you not seize me he answered me again Expressly before *Sir W. Waller*, I had no Commission then to seize you: but said I, you acknowledge I was then a Conspirator, and such your Commission was to seize. You might have declared to the Officers you knew me to be a Traytor, and have bid them take charge of me: 'tis impossible that you should so well know it and not do it sure.

L. C. J. Was there any such thing as this Sir *W. Waller*.

Sir *W. Waller*. Really my Lord, I do not remember any thing of it.

Lord Ch. J. Mr. *Marshall* call your Witnesses.

Marshall, Is Mr. *Gill* the Constable here, he owned it. *I* think *I* had as good make an

an end, I may leave it here, for what I shall say I find will be to little purpose.

L. C. J. You do not prove wha tyou affirm.

Marshall, My Lord, I do not go as *Mr. Oates* and Mr. *Bedloe* do, who bring no circumstance of Probability or likelihood, they only say they were such a time amongst such and such Persons, and such and such things were agreed, but shew no probability of it. But I instance in such things as do carry a Probability in themselves, and I name those that were by.

L. C. J. And have no proof of it in the world. And what you call Sir *W. Waller* for, he says the contrary, there was no such thing.

Marshall, I say my Lord, what he says is to my great astonishment. Do you remember Sir *W. Waller* this, that Mr. *Oates* said there, when he was asked if he saw me last summer, I saw you not only in *August*, but in *June* and *July*.

Sir *W. Waller*, I remember something of that.

Marshall, I humbly thank you Sir for acknowledging that.

L. C. J. What use do you make of that?

Marshall, I shall make use of that. The dispute was so eminent betwixt us that it was impossible to forget it.

L. C. J. Well, have you done Mr. *Marshall*?

Marshall, No my Lord, tho I had as good hold my peace. I could not have Witnesses to disprove Mr. *Oates* in particulars of Time and Place, because I could not foresee what time or place he would name. My Lord, I had Witnesses here at the time of my last Tryal to prove and swear if they might be admitted, that I was here neither in *June*, nor *July* or *August*, but spent some months at a place called *Farnborough* in *Warwickshire*.

L. C. J. Can you prove this?

Marshall, I can prove that I had such as would have proved it then. Now my Lord this is that I say, if the Court be inclined to any Favour or Mercy: Life being a thing of such concern, I hope some little stop may be allowed to have some time to bring such People, but if there be no inclination to mercy, it would be the same thing if the Proof were here.

L. C. J. The Court will do you all Justice here, and that is their mercy.

Marshall, I am confident I shall have great justice done me, I would not have said one word in my defence if I did not believe so, I took heart by what your Lordship had said, & I have already done that which I thought most material for it. I have urged first the false Mark that he gave to know me by. And then his taking me in bed and disowning to know me, besides *Mr. Oates* hath been positive in his testimony about the 21th of *August*, I could not now have witnesses to disprove that, because I knew it not before, but I can have several witnesses to prove that I had then witnesses to prove it, sufficient witnesses from *Farnborough* who were sure and certain that I was that very day there, and would instance in some particular reasons why I was there that Day. And then these Witnesses will swear that I was never from thence for three Mouths at any distance but twice at a Neighbours house, and they can tell the places where I was then.

L. C. J. You come and tell us what other Folks could tell, why have you not them here? Can the Jury take notice of this.

Marshall, I hope you will not throw away my Life, when in 3 days time I could bring witnesses to prove it.

L. C. J. Then we must throw away the lives of the Jury, for they must be kept fasting all those days till they give in their Verdict; for they must be shut up till then.

Marshall. My Lord, with your leave, there have been those that have been upon their Tryals, and sent back to Prison before the Jury have given a Verdict, and after tried again.

L. C. J. *North*, Ay, if they be discharged quite of you.

Lord Ch. Just. I tell you the Jury must be kept together close, till they give their Verdict.

Marshall. The Jury was not kept up when Mr. *Whitebread* and mr. *Fenwick* were tryed, and they were afterwards tryed again.

Lord Ch. Just. The Jury were wholly discharged of them.

Marshall. If you have any regard of my life you may discharge them of me.

Lord Ch. Just. Truly this is as reasonable as any thing you have offered.

Marshall. If your Lordship believe what I say is true, you throw away my Life unless you grant me this time, I should be a very infamous man if I did not prove it then.

L. C. J. If the Jury believe it I am satisfied.

Mar. My Lord, I should then come full of shame, if I did not prove what I say, therefore I hope the Court will allow me time to prove what I affirm, that that particular day, & the day before & the day after I was in the Countrey, & stirr'd not. And then as to the day before the *Assumption* which he charges upon me, & the day after, I can bring witnesses to prove I was those 3 days at another house almost 50 mile off *London*, so there is nothing in all that is said against me by mr. Oats which comes to be determinative & positive in his Testimony, but I can disprove it if time be allowed me, but if that cannot, I can bring such proofs as can testifie, that I had before those that could Evidence it.

Corker, I told your Lordship I think, that the Constables and other persons that came there to take *Pickering*, said they knew nothing of me, and had nothing to say to me. Your Lordship tells me this I ought to prove. I must confess I could not expect that, when there were so many, an hundred people at least, that all those people coming in I should be put to prove it. But here is a Servant that was in the house then, that will tell you the same, that will attest they said they had nothing to say to me.

Mr. *Just. Pemberton.* Call any of your witnesses that you have.

Mr. Just. Dolben. Mr, *Corker*, you remember that the last time you were here at the Bar, you desired time because you had not your witnesses, it is now above a month ago, and therefore you have no reason to say your witnesses are not ready. Let us see them, that we may see you did not abuse us,

Mr Recorder. Who were the Persons that were then at *Tunbridge?*

Corker. I tell you sincerely my Lord, I did not know what they would say, but then I did take notice when my Accusation was read against me, That there was a time mentioned of the 24*th.* of *April* that I conspired the Killing of the King. Now I could prove the contrary of that I thought, for I did remember, and so my friends know very well, that always in the Spring time I go once or twice, must commonly about 30 miles out of Town to take the Air. So my Lord, from that Observation I did really believe *I* was actually there at that time, & from this belief I did then tell your Lordship, that I thought I could bring Witnesses that would prove I was at that Place then. According to your Lordships Order I sent for the Gentlewoman that kept the house, and she coming up I asked her, Mistress, said I, can you tell when *I* was at *Tunbridge*; said she

I

I believe you were there about or near *April*, but that is not the thing said *I*, *I* aske you, can you positively say that it was either before or after the 24*th*. can you give me any Determinate circumstance of it. She could not swear nor durst what day *I* was there exactly, then said *I* go back again, for *I* resolved to die in my Innocency without proof, rather then my witnesses should speak what was false or doubtfull,

Marshall, *I* desire that one *Thomas Summer* may be called, He was the man that went down to fetch up the Witnesses from *Farnborough*.

Mr. Recorder, What is your Witness mr. *Corker*.

Corker. My witness's name is *Ellen Rigby* (who stood up)

Lord Ch. Just. What is it you ask her?

Corker, *I* desire she may be asked, whether she knows that *I* was in the house when the Search was in the *Savoy* when mr. *Pickering* was taken; and whether then they charged me, or said *I* was a person that they had nothing at all to do with. *Marshall*. And me the same. *L. C. J. Do* you hear the Question?

Mr. Corker, Was not I in the *Savoy* when *Pickering* was taken?

Marshall. And I? *Rigby*. Yes, you were both in bed then.

Corker, Are you ready to swear it, if my *Lord* will permit you?

Rigbby, Yes. And the *Company* that came in never asked for you, but when they saw you, said, they had nothing to do with you. *Lord Ch. Just*. Who said so.

Rigby. The *Company* that came and searched the house for *Pickering*.

Lord Ch. Just. Was mr. *Oates* there? *Rigby*. Yes my Lord mr. *Oates* was there.

L. C. J. Did he say that he had nothing to say to them?

Rigby. Several of them did say so and he among them. They asked me who were in the house, I told them several. They said they had nothing to do with any but with Mr. *Pickering*. *L. C. J. North*. Who did you tell were in the house?

Rigby. I told them there was *Pickering*, *Marshal*, *Hetkett*, *Corker*, *Smaydon* the Porter and his Wife, two Children, *&c.*

Corker, Now 'tis incredible he shou'd search for Traytors, and as he says, know us to be such, and should not ask for us: Nay, when he saw us, leave us there, and never bid the Officer secure us. *Mr. Just. Pemberton*. Who did ask you the Question?

Rigby. There were five or six, *Mr. Oates* and *Mr. Bedloe*.

Corker, I desire to know this of you, Have you not heard all along that mr. *Stapleton* is President of the *Benedictines*, and how long he hath been so, for she was House-keeper. *Marshal*, Who is President of the *Benedictines*? *Rigby*, Mr. *Stapleton*.

Corker, How long hath he been so?

Rigby, Four years and a quarter, for any thing I know to the contrary.

L. C. J. In his absence, who was? *Rigbby*, I know not who.

L. C. J. Did not *Corker*, officate? *Rigbby*, Never in his life.

L. C. J Do you know who did? *Rigby*, I can tell he did not.

Corker. Pray ask her if she knows of any Consult of the Jesuits in the *Benedictine* Convent? *L. C. J*. How should she know that? was she one?

Corker, Because there can none come to the House, but she must entertain them, there was no other Servant at all but she.

Marshall, Now my Lord, since she is here, let her see *Mr. Oates* and mr. *Bedloe*; ask her whether ever she saw them in the House in her life?

Rigby, I saw Mr. *Oates* in the House, he came a begging to Mr. *Pickering* for charity

L. C. J. What was the time?

Rigby,

Rigby, This Summer was Twelvemouth: And mr. *Pickering* bid me ſhut the door, and never let that man come in again.

Marſhall. That was in the very heat of the Plot, the very nick of time when he was employed to carry on the conſpiracy, as he ſays; and that then we ſhould ſuffer him to be in ſuch neceſſity, and ſent away with a Flea in his ear, when he could gain ſuch advantages by diſcovering us: *Is* it likely that we would truſt him with the whole Plot, and yet ſuffer him to want? *I* appeal to your Lordſhip and the Jury whether that be probable. *Then Sumner appeared and ſtood up.*

L. C. J. What ſay you to him?

Marſhall. I deſire he may be asked whether he does not know that here were witneſſes to teſtifie I was then at *Farnborough?*

Lord Ch. Juſt. That is not a queſtion to be asked, what another body can *Swear.*

Marſhall. He was ſent down, my Lord, to fetch the Witneſſes up.

L. C. J. Well to ſatisfie you, we will ask the queſtion, though it be improper; were you ſent down for witneſſes? *Sumner*, Yes my Lord,

L. C. J. Why do not they come? *Sumner*, They did come.

L. C. J. Why are they not here? The laſt Seſſions was adjourned particularly to a certain day, and you knew when you were to be tried.

Mr. *Recorder*. For this very Reaſon, That all might take notice of it, it was adjourned to the 16th. day at this place.

Marſhall, Your Lordſhip does ſuppoſe we have a better purſe then we have. Would you have them leave their Employments, and come up, and be at great charges? 'tis not in the capacity of every one to endure it?

L. C. J. What would you have us to do in this caſe?

Marſhall. What is but reaſonable, Give me but three or four days time, and *I* can have my Witneſſes up.

Mr. J. Dolb. I pray ask them whether they were not told of the time of their Tryal?

L. C. J. Why did not you ſend for them before, when you knew what day it was to be?

Mr. Juſt. Dolben, You knew as much before as you do now. If you did not, what did you ſend for them up for then, more than now?

Corker. There was no certainty at all of the time when we ſhould be tryed, We were told it was near, but not the very day; ſome ſaid the 12. ſome the 14. ſome the 16th. ſome, not at all,

Mr. *Recorder*, You muſt not ſay ſo; for notice was publickly given here that it ſhould not be till the 16. and the Seſſions was adjourned till then.

Marſhall, I was told it would be two or three days after laſt term. I confeſs, God Almighty hath been pleaſed to give me a long impriſonment to prepare for my laſt Cloſe. I do not fear death though it ſhould appear in far more frightful ſhapes, than that we may be like to ſuffer. So my Lord, it is not ſo much a concernedneſs for my own life, as for the Honour and Juſtice of the Court, that I plead for a Reſpit to have witneſſes that may poſitively and particularly diſprove the Teſtimony of mr. *Oates* And all the World will think it an hard caſe when I do atteſt and call to witneſs ſuch as have a great probability to prove what I ſay to be true; when *I* can have ſuch a numerous train of witneſſes to prove that I was that particular day threeſcore miles out of *London*, and would poſitively ſwear it, if permitted. It will be hard, & will, I fear, draw an heavy cenſure upon this Honourable Court, if ſome time be not allowed.

L. C. J. It cannot be allowed you, for then we muſt tye up the Jury, and make them ſtay all the time

Marſhall, You may diſcharge them of me. L. C. J. We cannot do it now.

Mr. Juſt. Pemberton. There is no reaſon for it now, for you had time for your witneſſes before. What do you come here to make a great *Harangue* about witneſſes which you had, and did not bring them.

L. C. J. Did you know they would come to prove, to any day?

Mar. I know they could prove ſuch a day. L. C. J. Why then were they not here?

Marſhall. Pray, my Lord, give me leave. I hope I ſhall not ſpeak more than is reaſonable and juſt, and then I care not how it ſucceeds. Every Judge is as much obliged to follow his Conſcience, as any formality in Law.

L. C. J. Pray teach your own diſciples don't teach us; You come and talk here what regard we are to have to our own Conſciences, as if we did not know that better than any Papiſt or Prieſt in the world.

Marſhall, I ſuppoſe that, and 'tis rational too. And I do ſuppoſe that this Bench is infinitely juſt and merciful, and upon that ſuppoſition I plead. Then if there be great reaſon to believe that I can diſprove mr. *Oates* in his poſitive Teſtimony, then there is great reaſon to believe that I can ſave my life. And if there be reaſon to believe I can ſave my life, I ſuppoſe there will be more regard to this, than to any formality of Law. Be pleaſed to ask him, whether he were not to fetch witneſſes that could atteſt this.

L. C. J. What can you ſay? *Sumner.* I went down into the Country for witneſſes.

L. C. J. Why did you not bring them up againſt this time?

Sum. I had no order for this time. *Mar.* We did not know when we ſhould be tryed.

Gl. of the Peace. My Lord, I did tell the meſſenger when the Seſſions was.

L. C. J. Did the Officers here acquaint you when the Seſſions was,

Sumner. I had order from Capt. *Richardſon*, at firſt, I did ask leave to go down to fetch his Witneſſes; ſays Capt. *Richardſon*, you have order to do what he ſhall direct, to provide him his Witneſſes; that was for the laſt, not for this.

L. C. J. How far were the Witneſſes off? *Sumner.* Threeſcore miles.

L. C. J. Why, you have had notice long enough of your Tryals, to get up Witneſſes threeſcore miles.

Mr. *Recorder*, Capt. *Richardſon*, Did not you tell the Priſoners when their Tryals would be?

Mr. *Juſtice Dolben.* They had all notice of the Seſſions by the Adjournment, and ſhould have provided for it.

Marſh. But that I humbly offer, is this, Whether you will believe I can have ſuch

Capt. Richardſon, Ever ſince the laſt Seſſions they have all of them had the permiſſion of any people to come to them in order to the preparing for their Tryals.

L. C. J. As when? *Capt. Richardſon*, As for this Seſſions.

L. C. J. Firſt you did know that the Seſſions did begin on *Wedneſday*; if you had prepared your ſelves againſt *Wedneſday*, you had been delayed but for two days.

Marſhal. But how could I prepare Witneſſes for that which I did not know would be teſtified againſt me?

L. C. J. Why did you prepare them for the laſt Tryal? why, had you not the ſame witneſſes you had then?

Marſh. Becauſe it was upon ſomewhat he had ſaid upon my taking, that he ſaw me in *June* and *July*, I did provide Witneſſes for it.

Mr. Juſt. Pemb. He ho'ds to the very day he ſaid firſt, and this is but plain trifling.

L. C. J. Truly, if the merit of your Cauſe be no better than ſuch weak Aſſections, your Defence is but very poor.

Marſhall

Mar. But that I humbly offer is this, whether you believe I can have such Witnesses, & therefore stay till they be sent for. Mr. *J. Dolb*, We have no reason to believe you.

Mr. Just. Windham, We have no reason to believe you, when you have had time to prove it, and have not got them. L. C. J. Why were they not here now?

Marsh. My Lord, I do give you a double Reason. Then, my Lord, I offer this, that my name is in no List, Paper, nor Narrative that ever was put forth; and if I had been guilty, as he says, would not he have named me amongst the other Conspirators?

L. C J. No, I think he should not, it would have given you notice, and too much opportunity to have gone away. *Mar.* He gave me leave, when he left me in my bed.

L. C. J. But yet for all that it does not prove your innocency. All people that are guilty, don't run away for it, for you have abundance of Priest-holes, and hiding-holes. Well, have you any more Witnesses? if you have, call them.

Corker, Call *Alice Broadhead* [but she did not presently appear;] then I desire Mrs. Eliz. *Shelden* may be called; [who being in the Gallery, answered and came down.]

Mar. I desire to know whether she knows who is President of the *Benedictine* Monks?

L. C. J. Who is President of the *Benedictines*, Mistress? *Sheldon*, Mr. *Stapleton*.

L. C. J. How many years hath he been?

Sheldon, A great many years, my Lord, to my knowledge. L. C. J. How many?

Sheldon, Four or five years. *Mr. Recorder*, Where is Dr. *Oats*? call him.

L. C. J. But if he were absent, did not Mr. *Corker* officiate in his place?

Sheldon, Never my Lord.

Corker, Mr. *Stapleton* was actually at *Paris* when I was there, and therefore I could not officiate in his stead; there is another that can testifie the same, that is, *Alice Broadhead* [who appeared then;] pray ask her the same question.

L. C J. Who his President of the *Benedictines*?

Broadhead, Mr. *Stapleton*, I have known him for many years, and there hath not been for a great many years any other.

Corker, Then I do desire that I may observe this, That Mr. *Oats* doth seem to accuse me positively of nothing, but only of consenting to the *Benedictines* Contribution of 6000 *l* which he says they could not do without my leave, because I was their President; but I have brought three Witnesses which say, and are ready to swear, that Mr. *Stapleton* is President, was so these many years, and I never was so in my life.

Mr. *Recorder*, Here is Doctor *Oates* again now. *But he was not examined.*

L. C. J. Have you done now, all Three?

Sir G. *Wakman*, I say, my Lord, I find that it was imputed to me, at least as a sin of omission, that when I was before the Council, I did not sufficiently detest, and abominate, and abhor this crime that is laid to my charge. I now detest, abhor, and abominate the Fact charged on me. I call God to witness, I never was in any Consultation about it in my life, I never received any Bill for any money upon this account, nor did I ever receive any money. L. C. J. Had not you Two thousand pounds?

Sir G. *Wakman*, No my Lord, I wish I may never enter into the Kingdom of Heaven, if I received one Farthing for any such thing.

Corker, He says, that I was employed in distributing moneys; and I profess before God, I never distributed any money upon such account, all that I had was an annual Annuity which I gave among the poor. I protest before God, I never in my life did deliver or hold it as a matter of Faith or commendable Doctrine, That it was lawful for the promoting of the Catholick Religion, to murder the King, or destroy my Country. And I renounce and detest it from the bottom of my soul, And this is all

can

can be expected from a good Christian upon that account; and I hope the Jury will have no prejudice against me for that; and neither Pope or any breathing upon earth can dispense with me from that Obligation.

Marshall. And if no door can be opened for a merciful Sentence upon any consideration offered by the living; at the loud cries of the dying, I hope there may, and all the earnest vows, and all those solemn protestations of innocency by such as were lately executed for the Crimes we stand here charged with, left behind them as sacred Testimonies of their Loyalty and unviolated Faith to the King. And I beg leave to put before the Eyes of this Honourable Court, and this whole Assembly, this Landskip of horror, wherein may be seen those caves of darkness, those baths of glowing sulphur such men must be eternally judged to be condemned unto, if what they then spoke had not the characters of the fairest truth found instamped upon it. Now if a right survey be taken of this Landskip, and it be well observed what these men so solemnly signed & sealed to with their last breath, it must be confessed they either conspired finally to damn their own souls, or were not Conspirators against the King, nor were they guilty of what was charged upon them. Present Content, where the enjoyment is like to continue, works with a strong influence upon humane nature, and chains it fast to the present world. But, my Lord, with the approach of death, Reformation of Conscience does offer to advance, and we do observe those who have lived a very ill life, frequently to make a good end; but, my Lord, it is a thing scarce ever heard of or known, that those who have lived all their lives well, should die ill. Nor can such as were looked upon while they lived as persons of much integrity, great candor of spirit, and unquestionable truth in all their attestations, dying should become prophane to blasphemy, become irreligious even to sacrilege, and false even to the worst of Atheism. My Lord, this cannot readily be believed, or easily imagined; nor will be, though it be possible; and yet all that will not believe this, must own an innocency where guilt is so strongly supposed. And if there be great cause to doubt whether those that were lately executed and were supposed to be leaders in this Conspiracy, were guilty upon the consideration of those solemn dying Protestations they have made to the contrary: I humbly conceive it may be much more rationally doubted whether others brought in only by the by, as I am, as a Letter Carrier, and only as Marginal Notes to the great Conspirators, may not be wholly innocent. Now my Lord, if no credit be to be given to the Protestations of men dying, that have ever been judged sober and just; how can faith be reposed in the testimony of such living persons as know no God nor Goodness? And if the reputed just man at the very point of death can be judged rationally false in his Protestations, though death be in his eyes, and hell threatning to inveigh him; may not he, my Lord, who hath owned himself a Villain in print, be thought false in his testimony, while preferment tickles him, rewards march before him, and ambition beckons to him, which he greedily follows, though God and Conscience tell him, tis unjust.

England is become now a mournful Theater, upon which such a Tragedy is acted, as turns the eyes of all *Europe* toward it; and the blood which hath been already spilt, hath found a Channel to convey it even to the remotest parts of the world. And though it inspires different breasts with different resentments, yet it may speak a language that none who are friends of *England* will be willing to understand. Our present transactions here are the present discourse and entertainment of foreign Nations; and without all doubt will be chronicled and subjected to the censure of ensuing Ages. Now, My Lord, I have great reason to believe, That not any one of those Ho-

nourable persons that now sit Judges over us, would be willing to have their names writ in any Characters, but those of a just moderation, of a profound integrity, of an impartial Justice, and of a gracious Clemency. And though we would not be all thought to be well-wishers to the *Roman* Catholick Religion, yet we would be all thought friends to Religion; and though we exclaim against Idolatry and new principles of Faith, yet we all stand up for old Christianity; whereas if the testimony of living impety be applauded and admitted of, and the cries of dying honesty scoffed at and rejected, what will become of old Christianity? And if any voice, cry or protestation of dying men may pass for truth, and obtain belief, where is now our new Conspiracy? The question now seems to come to this, the belief of Christianity now in *Roman* Catholicks, and the appearance of their innocency, are so fast linked together by those solemn Vows and Protestations of their innocency made by the late executed persons, that no man can take up arms against the latter, but must proclaim war against the former, Nor can our innocency bleed; but our Christianity must needs by the same dart be wounded. Nor can any Tutelar hand stretch it self forth.

Lord. Ch. Just. North, You speak *ad faciendum populum*, and should not be interrupted, but only *I* think you lath out a little too much.

Marshall I speak this to add the Testimony and solemn vows of the dying to what we say living for our own defence. And I desired they may be put in both together, and weighed in the scales of an impartial Judgement. Now my Lord, I say, the question seems not so much whether Roman Catholicks are Conspirators, as whether indeed they be Christians. Nor is it the great doubt now whether they designed to kill the King, but whether they believe there is a God. For whoever grants this last, the belief of a God, of a Heaven, and an Hell, and considers what asseverations they made at their death, what solemn Protestations they insisted upon, does with the self same breath proclaim them innocent.

Mr. J. *Pemberton*, But Mr. *Marshall*, will you go on to affront the Court in this manner, to vouch for the truth of their speeches which they made at the Gallows, and affirm them innocent after they have been found Guilty, and executed according to Law?

Marshal, My Lord, *I* do not avouch them innocent, I only desire there may be consideration had, and that the words of such dying men may be thought of. If they did believe a God and a Judgement-seat that they were going to, could they be innocent and Christians too?

L. C. J. *I* was loth to interrupt you because you are upon your lives, and because 'tis fit you should have as much indulgence as can be allowed. Your defence hath been very mean *I* tell you before hand; your cause looked much better before you spoke a word in your own defence, so wisely have you managed it.

Mr. Recorder, But really for your particular part Mr. *Marshall*, you abound too much in your flowers of Rhetorick which are all to no purpose.

Marshall, I hoped it would be no offence to insist ——.

L. C. J. But I will tell you, and I'le be heard as well as you, Sir; Because of the Protestations of these men, which you make a stir about. If you had a Religion that deserved the name of a Religion, if you were not made up of Equivocation and lying, if you had not indulgences and Dispensations for it; if to kill Kings might not be meritorious, if this were not Printed and owned, if your Popes and all your great men had not avowed this, you had said something; but if you can have absolutions either for money or because you have advanced the Catholick Cause, as you call it, and

made Saints as *Coleman* is supposed to be, there is an end of all your Arguments. There is a God, you say, and you think we shall go to that God because he hath given us the power, we can let our selves in & turn the Key upon Hereticks. So that if they Kill a King, and do all the wickedness they can devise, they shall go to heaven at last: for you have a trick, either you can directly pardon the killing of a King, or if you Excommunicate him he is no King, and so you may Kill him if it be for the advancement of Religion. But it will be in vain for you or any Priest in *England* to deny this, because we know you *Print* it and publickly own it, and no body was ever yet punished for any such *Doctrine* as this. Therefore all your doings being accompanied with such equivocations and arts as your Religion is made up of, 'tis not any of your Rhetorick can make you be believed, I do believe it is possible for an Atheist to be a *Papist*, but 'tis hardly possible for a knowing Christian to be a Christian and a *Papist*. 'Tis hardly possible for any man of understanding, setting aside the prejudices of Education, to be a Papist & a true Christian, because your doctrines do contradict the foundations of Christianity. Your doctrine is a doctrine of blood & cruelty, Christs Doctrine is a Law of mercy, simplicity, gentleness, meekness and obedience; but you have nothing but all the Pride that ever a Pope can usurp over *Princes*: and you are fill'd with pride, and mad till you come again into the possession of the Tyranny which you once exercised here: in so much that 'tis strange to me, but that Princes abroad think you more conducing to their politick interest, else sure they could not endure such Spiritual Tyranny to Lord it over their Souls and their Dominions. Therefore never bragg of your Religion, for it is a foul one, and so contrary to Christ; that tis easier to believe any thing, than to believe an understanding man may be a Papist. Well *Sir*, if you have any more to say, speak it. You have provoked me to this; and indeed *I* ought to do it, because you have so much reflected on the Justice of the Court: but if you have any thing to say in your defence, speak it, or to your own particular *Case*. As for your *Religion*, we know what it is, and what merciful men you are: and if we look into the bottom of you, we know what you were ever since Queen *Maries* dayes: and if we look into the Gun-powder Treason, we know how honest you are in your Oaths, and what truth there is in your Words, and that to blow up King, Lords and Commons, is with you a mercifull act, and a sign of a candid Religion; but that is all a story with you: for it is easier for you to believe that a Saint after her head is cut off, did go three miles with her head in her hand to the place where she would be buried, than that there was a Gunpowder Treason (*At which the people gave a shout.*)

L. C. J. *North*; You must not meddle any more with the Speeches of those that dyed.

Marshall, *I* did not intend, my Lord, to call any thing of Justice in question.

L. C. J. What do you think we will be imposed upon in this manner? perhaps you have tricks enough to gull your own party, but you have not to deceive Protestants; they can look through all your arts; nay, *I* never saw such men of weak parts, as your Priests generally are; so that I wonder, you should have any Disciples, but silly Women, or Men without learning.

Marshall, If we were guilty of this Conspiracy, we should gull only our selves.

L. C. J. Go you on with one Harrangue, *I* warrant you *I* will give you another; you shall not be hindred to say any thing that is pertinent: but this is not at all so. We have a Bench of Aldermen have more wit than your Conclave, and a *Lord Mayor*, that is as infallible as your Pope: Have you any thing more to say for your selves?

Marshall, 'Tis not [illegible]

know our Religion better than our selves; for I know not of any such Doctrines owned amongst us.

L. C. J. No! then *I* believe you have not read your own Books; I suppose that your busines is not now to read, but to seduce silly VVomen, or weaker men. What, do'nt you publish them all over the world? Is there any *Index expurgatorious*, into which you have put these doctrines? Surely you know not any thing, if you know not this.

L. C. J. *North*, If you have any thing more to say in the proper defence of your tryal, pray speak it now.

Corker, As to those damnable Doctrines, we profess our selves innocent of them: I desire that the Jury may not go upon such a prejudice, that I entertain such principles of Religion, as matters of my faith. They are horrid Crimes, *I* protest against them, and own them not, I desire the Jury to take notice of it.

Marshall. I have this further to offer to your Lordship, that Mr. *Bedloe* owned before the Lords, that he knew no more to be guilty then he had declared, and among all those *I* am not named, and this was a month or S x weeks before I was taken.

Mr. Just. Pemberton. There is no such thing at all proved here, or given in Evidence, and therefore why do you insist upon it?

Marshall. In this *I* appeal to the knowledge of your Lordship: and if you know it, I hope you will be pleased to acquaint the Jury with it.

L. Ch. Just. I do not know for my own particular what answer was made, I was not in the house, nor do I know it. *Judges*. None of us know it. *Marshal*, I desire the worthy Jury to take notice, that among all the persons named, there is no such Name mentioned as mine. *Mr. Just. Pemberton*. There is no such thing proved here. *Marshal*. They deny all the Lords Records. L. C. J. Well, have you done? Look you Gent. of the Jury---*Marshall*, I desire but one word, those things I have insisted upon as far as can for my self; but the main matter I rely'd upon, was, that Mr. *Oats* did not know me neither as to my calling, conversation, words nor actions, He can bring no person, man nor woman, that ever saw him in my company, nor took notice of our meeting together. nor *Bedloe* neither; he can name no place where he saw me, none but the *Savoy*, against which no proof can be found. And then at the searching of the House, I desire the Jury to take notice, that at that time he disowned us, and said he did not know us. If sufficient rational cause cannot be given, why he should say now he knows me, and did not then take me.

Mr. *Just. Pemberton*. You have said all this before. *Marshall*. then my Lord, for a conclusion, I have been told, and I will onely desire the Jury to take notice of it, that every Jury that finds a man Guilty of death upon the testimony of witnesses that come in against him, do take it solemnly upon their consciences, that what such witnesses swear is true. *L. Ch. Just*. That they believe they swear true; for we have no infallibility with us. Tis one thing to say tis true, and another thing to say we believe it is true. Looke you, the Jury may give a verdict that is false, and yet go according to their consciences. Do you understand that *Priests* Mr *Just. Pemberton*. you need not teach the Jury what they are to do. *Mar*. But considering in case an oath be false, & the Jury have reason to doubt what the Prisoners say in their own defence, upon what they hear or have learnt of their own knowledge, if they find such doubt grounded upon that double matter, then they are in great danger to bring the fault to their own doors, and make the crime of perjury their own.

Mr. *Just. Pemb*. What do you go over things again and again?

L. C. J. All this signifies but little, if you had Popery here, you would get but little by it. We should hardly part with our *Peter pence* for all your speeches. We all know what things are, 'tis not a parcel of words patcht thus together will do your business.

Marshal. I wish all thoughts were as open sae'd as ours are.

L. C. J. Look you Gentlemen of the Jury, here are four Prisoners; as to one of them, that is *Rumley*, the truth of it is, there is but one Witness against him; and by the Law there ought to be two; so I cannot say, but you ought to discharge him: we do not find, that there is testimony sufficient according to the Law to condemn him, and therefore you ought to acquit him. As to the rest, here is Sir *George Wakeman*, Mr. *Corker*, and Mr. *Marshal*; there hath been two sorts of Evidence given, I will repeat them as well as I can, and as short as I can. There hath been a general Evidence, and a particular Evidence: there was a general Evidence given by Mr. *Dugdale* of the Plot in general, and by *Mr. Prance*, and something of intimation by *Mr. Jennison*. These of *Dugdale*, *Prance* and *Jennison* do not mention so much as the names of the three Gentlemen that are upon their lives; but I'le tell you why it was necessary, and answers a great Objection that they seem to make: for you are to believe men say they, and to believe men upon probable Circumstances, something to guide you besides the positiveness of an Oath, and that is well enough said. Now here is something besides and that is the Plot; that there was a Conspiracy to introduce Popery by the likeliest means, which was to kill the King; and that such people as these men were to do it, now that there was such a general design to do it is a circumstantial Evidence (as to these men, I call it so.) And these are Circumstances which may answer the Objection they make, when they say, you are not to give credit to positive Oaths, without any thing to govern you by; for you have this to govern you by besides the Oath that there was a Plot. The Testimony of *Mr. Jennison* does go more particularly to the business of *Ireland*, which I would observe by the way for the sake of that Gentleman that stands so much upon the innocency of those men, and would have them to be believed upon their own assertions, because he says they dare not dye with a lye in their mouths. I believe it is notorious enough, Mr. *Jennison* that comes here is a man of Quality, and one against whom there is no objection, and he is justified by one or two more. He says he saw Mr. *Ireland* the 19*th* of *August*, when he to his death took upon him to aver he was then in *Staffordshire*, and brought several of his own Religion who would outface it to the Court that he kept them company so many days and was in the Country all the while. There was a Maid before this that came and testified that she saw *Ireland*, & saw him at his own door in *Aug.* but this Gentleman comes and proves it upon him more particularly, and tells you when the day of the week and of the month that he was with him at his own lodging, that night he came from *Windsor*, that he was pulling off his Boots, and pretended to come Post from *Staffordshire*, & so that he was in *Staffordshire* is true, because he came thence Post, but he hath always constantly denied that he was here, & that may serve for the integrity even of their dying Oaths. And you are not going according to your own Doctrine so immediately to hell, I hope you suppose a Purgatory where you may be purged from such peccadellos as this of dying with a Lye in your mouths. As for the testimony of the particular evidence, first against Sir *G. Wakeman* Mr. *Oates* says, he saw a Letter subscribed *George Wakeman*, and it was writ to Mr. *Ashby*, and therein among other expressions was this particular, That the Queen would assist him to kill the King. He was asked how he knew it was his hand, he said he had never seen his hand before, but afterwards he saw him writing (as he thinks writing) in a writing posture, and there he looked upon that P-

per when he was gone from it while it was wet, and that Character to his thinking was just the character of the letter. Now I must observe this to you. First, supposing it to be true, yet it is somewhat hard for a man that had never known a mans hand in his life, to see a hand to day, and sometime after to come and see his hand to a Bill of Physick, and to recollect the Character so much back ward as to know this is that or that mans hand that I saw before. 'Tis one thing to know hands we are used to, but 'tis another thing if we see a hand that we never saw before in our lives, and then by reflection at another time, and by comparison of hands to say this is the same, that is hard, but that is supposing it to be true. Sir *G. Wakem.* as all people will that are accused, does deny the fact, & says there was no such thing. Against him besides he says he saw in a Book that the Jesuit Priests kept among them of their transactions and affairs, he saw in *Harcourts* Chamber a Book wherein was written. *This day* (and there was a certain day in *Aug.* named, but he cannot tell what day) (*this day*) *agreed with* Sir *G. W. for* 15000*l. to which he consented*, and under was written, *Received* 5000*l. part of* 15000*l. by Order of* Mr. Coleman, George Wakeman. This he says he saw, and he believes that to be the very same hand that he saw before, so it is by a comparison of hands. He does not charge Sir *G. W.* to the best of my memory, with any positive thing of his own knowledg more than as I tell you of this matter. Sir *R. Saw.* Yes my Lord, he says he saw his Commission. L. C. J. Indeed he does say he saw a Commission in his hands to be Physitian General of the Army that was to be raised. And that he denied 10000*l.* and would have 15. The truth I leave with you Gentlemen. Look you Gent. We will shew our selves what we ought to do, let them be as they will, we would not to prevent all their Plots, let them be as big as they can make them) shed one drop of Innocent Blood. Therefore I would have you in all these Gentlemens Cases consider seriously, and weigh truly the Circumstances, and the probability of things charged upon them. There is an additional Evidence against Sir *George Wakeman* by *Bedloe*: He says he saw him have a Note for 2000*l.* which was said came from the Queen, there were discourses of Doubtfull words, but whether they be plain enough to satisfie your Consciences, when men are upon their Lives, I leave to you. That Sir *G. Wakeman*, should say, *Are you ready for me, why am I drill'd on thus in a matter of this concern.* This he would have to imploy the poisoning of the King, but there is but one thing that sounds any thing plain to the matter, and that was this said he, if they miss (speaking of Killing the King) if they miss at *Windsor*, and you miss your Way, then it shall be done at *New-Market.* This he did swear directly, and then Sir *George Wakeman* repli'd he would be ready. Now if you believe this, then there are two witnesses against Sir *G. Wakeman*, for the matter of the Bill alone would do nothing. But when he says he saw such a Bill it must be for something, and if he did say so, if they miss Killing him at *Windsor*, and you miss your way we will do it at *New-Market*, and he replyed, *I will be ready, the thing is made plain*; I leave it to you, and this is all the Evidence against Sir *George Wakeman* as I remember. *I* hope my Brothers if they remember more will repeat it to you. *I* cannot undertake to repeat every word, I remember so much as is material, and my *Brothers I* hope will help me out in what they have better observed.

As to Mr. *Corker*, *Oates* says that he saw a Letter under his hand, that is, his name *I* suppose was to it, wherein he consented to the raising the 6000*l.* which was to be raised out of the *Benedictines* Estates, and was in order to the Carrying on of this Plot. *I* do not find that he does prove that he did know Mr. *Corkers* Hand. And he says of him further, he was their president, and so it was necessary to have his consent for the raising of 6000*l.* and particularly he says that he did except against *Pickering's* being designed for

the Murdering of the King; for said he, he is a man that waits at the Altar, and me-thinks you should choose some fitter person. For that, says Mr. *Corker*, which he says, that I was president, I was not President, and he makes it necessary for me to set my hand, because I being president it was supposed it could not be done without me, and Dr. *Oates* does intend such a thing by his inforcing of it too: but he does produce to you two or three witnesses that do say Mr. *Stapelton* hath been President for 4 or 5 years; and said he, if I were not President, what needs all this ado about my consent, so he contradicts him in that particular that he was not President, and it is not only a bare immaterial thing, because his being President made his hand more necessary to the raising the 6000 *l.* And for that matter of his saying that he did except against *Pickering*, and they might have chose another, he does not charge him to be actually at the consultation, but he says he knew of it, because he said *Pickering* was not a fit man to do it. And he said they had better choose a Lay-man. He proves no fact but only these words. And Mr. *Bedloe*, he speaks against him, and what he says is rather less then what *Oates* says. For tis that he talked with *Le Fever* the Priest about the Plot in general words. It may be, he was talking with some body else, and yet he could hear that they talked together in general about it, that is all against him.

Against Mr. *Marshall* tis rather less then against *Corker*, that is that he did consent to the 6000*l.* that should be raised among the *Benedictins*, he being a *Benedictine* too, and that he took exceptions against *Pickering* as *Corker* did, that it was not convenient to employ him in Killing the King. And this is that *Oates* says, and that he was a Carrier of Letters up and down, and a Factor that way. And *Bedloe* says, that he knew that he carried Letters, and was at the Consult where they were read and answered, and when they asked him where, he said at the *Benedictine* Convent in the *Savoy*. And names in particular a Letter to Sir *Francis Radcliffe*, and that there was a discourse concerning the Plot in his hearing.

They say for themselves, they cannot answer any more then by Circumstances, tis a very strange thing, if Dr. *Oates* knew this of us, why did not he take us before? And says Sir. G. *Wakeman*, Why did not he accuse me of this Letter that he talks of before the King and Council. He makes an Answer which to me indeed is a very faint one, as if he were so weak and tired that he could not speak any word farther. When the Council asked *Sir George Wakeman*, what he had to say for himself, and he behaved himself ruggedly, they call for *Oates* again; what, said they, do you know any thing of your own knowledge? No said he, God forbid, I know nothing more as Sir *Philip Lloyd* says, and as the matter speaks: for if he had charged him that he had seen that letter, the Lords would infallibly have committed him. If he had but said, I saw a letter with his Name to it, which by the Character *I* believe was his, because *I* saw his writing elsewhere. And tis wonderfull to me, I don't know, if a man be never so faint, could not he say, I saw a letter under his hand, as well as I knew nothing more of him, there are as few words in one, as in the other. If he had said *I* beg your Lordships or his Majesties Pardon, *I* am so weak I cannot recollect my self, it had been something, but to make a great Protestation that he knew nothing of him. This is that that is said by Sir *Philip Lloyd* on his behalf.

These other Gent. say, that *Oates* did not know them, and the Woman does say that she did tell them when they came to search, that *Corker* and *Marshall* were there, and Dr. *Oates* and they said, they had nothing to do with any but *Pickering*. They make answer now and said, that they had no Commission to take any but him.

prehend them. For what defence they make about what talk was had at the *Gate-house*, tis all contradicted by Sir *William Waller*. And indeed if it were possible, they have almost undone themselves in their own Defences, by making weak Observations and insisting upon Trivial things; improper for the Court to hear, and impertinent for them to urge. But I deal faithfully with you, I will discharge my own Conscience to you. It lies upon the Oaths of these two men. Tho there was a Plot in general proved, yet that does not affect these men in particular, but was only used to answer that Objection, that it should not be believed upon Positive Swearing, hand over head, without something else. Here was something else, the Plot in general, and their being Priests is another Circumstance to me, who are mad to bring in Popery, and would do any thing to get their Tyranny again established amongst us. And there is more then probable Evidence of that I assure you.

Sir *Tho. Doleman*, did indeed say Mr. *Oates* way very weak, so that he was in great Confusion, and scare able to stand, weigh it with you how you it will, but to me tis no answer. I tell you plainly, I think, a man could not be so weak, but he could have said he saw a Letter under his hand. It was as short as he could make an answer, and tis strange that he should go and make protestation that he knew nothing. And so I pray you weigh it well, let us not be so amazed and frighted with the noise of Plots, as to take away any mans Life without any reasonable Evidence. If you are satisfied with the Oaths of these two Men so, I have observed to you what Objections they make for themselves, and those objections are materiall. What Sir *George Wakman* says about his not Accusing him before the Council, and what these men say that he did not apprehend them. And tis very strange they should have so little knowledge, and so little Acquaintance with *Oates* and *Bedloe*, and so great a matter as they speak should be true. And tis well enough observed that he was a begging there; tis very much that such a man should know of such a great Designe on Foot, and they would use him in that manner. These are the things that I remember worthy of your Consideration. These mens Bloods are at stake, and your Souls and mine, and our Oaths and Consciences are at stake. & therefore never care what the World says, follow your Conscience; If you are satisfied these men Swear true, you will do well to find them Guilty, & they deserve to die for it. If you are unsatisfied upon these things put together, & they do weigh with you that they have not said true, you will do well to acquit them.

Mr. Bed. My Lord, my evidence is not right sum'd up. *L. C. Just.* I know not by what Authority this man speaks. *C. Cr.* Make way for the Jury there, who keeps the Jury. *Then an Officer was sworn to keep the Jury, the Judges went off the Bench, leaving Mr. Recorder and some Justices to take the Verdict. And after, about an Hours space the Jury returned, and the Foreman coming up to the Table, spoke thus to* Mr. Recorder. *Foreman.* Sir, The Gentlemen of the Jury desire to know, whether they may not finde the Prisoners guilty of Misprision of Treason. Mr. *Recorder.* No, you must either convict them of High Treason, or acquit them. *Foreman.* Then take a Verdict. *Cl. C.* Gentlemen, answer to your names, *Ralph Hawtrey. Mr. Hawtrey.* Here, *&c Cl. of Cr.* Gentlemen, are you all agreed of your Verdict? *Omnes.* Yes. *Cl. of Cr.* Who shall say for you? *Omnes,* Foreman. *Cl. of Cr.* Sir *G. Viz.* hold up thy hand (which he did.) Look upon the Prisoner, how say you? Is he Guilty of the High Treason whereof he stands Indicted, or not Guilty. *Foreman.* Not Guilty. *Cap. Richardson.* Down on your knees. Sir *George Wakeman.* God bless the King, and the Honourable Bench. And in like manner were the other three acquitted

Then after the Verdict Recorded, the Court did Adiourn till 9 the Afternoon.